

U.S.

FORN RELATIONS
GENERAL LIBRARY

13

THE DEPARTMENT OF STATE BULLETIN

VOL. XV, NO. 366

1-D-4

JULY 7, 1946

Peace Goals

By SENATOR AUSTIN page 16

India on the Threshold

Article by RAY L. THURSTON page 20

Work of United Nations "Legal Committees"

Article by HENRY REIFF page 3

For complete contents
see inside cover



THE DEPARTMENT OF STATE BULLETIN

VOL. XV No. 366



PUBLICATION 2563

July 7, 1946

For sale by the Superintendent of Documents
U. S. Government Printing Office
Washington 25, D. C.

SUBSCRIPTION:

52 issues, \$3.50; single copy, 10 cents

Special offer: 13 weeks for \$1.00
(renewable only on yearly basis)

The Department of State BULLETIN, a weekly publication compiled and edited in the Division of Research and Publication, Office of Public Affairs, provides the public and interested agencies of the Government with information on developments in the field of foreign relations and on the work of the Department of State and the Foreign Service. The BULLETIN includes press releases on foreign policy issued by the White House and the Department, and statements and addresses made by the President and by the Secretary of State and other officers of the Department, as well as special articles on various phases of international affairs and the functions of the Department. Information concerning treaties and international agreements to which the United States is or may become a party and treaties of general international interest is included.

Publications of the Department, cumulative lists of which are published at the end of each quarter, as well as legislative material in the field of international relations, are listed currently.

Contents

General Policy

- India on the Threshold. Article by Ray L. Thurston 31
- Contribution of U.S. in Meeting World Food Needs:
Statement by the President 31
- A Report to the President by John W. Snyder 31
- Resumption of Surplus-Property Deliveries to Poland 34
- U.S. Objectives and Policies in Affording Aid to China 39
- Procedure for Furnishing Affidavits for Immigration Visas 39
- Inquiry on Palestine Situation 39

The United Nations

- Work of the United Nations "Legal Committees". Article
by Henry Reiff 16
- Peace Goals. By Senator Austin 26
- Progress Made by the Economic and Social Council. State-
ment by the U.S. Representative 26

Economic Affairs

- Financing of International Reconstruction. Statement by
the President 33

International Information

- Position on Admission of Correspondents to Areas Receiving
UNRRA Aid 35
- Letter From Assistant Secretary of State Clayton to Senator
Kenneth McKellar 35
- Exchange of Notes Between Acting Secretary Acheson and
the Soviet Chargé d'Affaires 37
- Letter From the President to the President of the Senate 38
- Appointment of Allan Nevins as Public Affairs Officer in
London 39

Treaty Information

- Treaty Obligations and Philippine Independence: Reply of
Norwegian Government to U.S. Note 39
- Inter-American Copyright Convention Signed 42
- Resumption of Surplus-Property Deliveries to Poland 43
- Proposed Double-Taxation Convention With France 44

International Organizations and Conferences

- Calendar of Meetings 42
- Activities and Developments 42

The Department

- Appointment of Officers 44

The Foreign Service

- Assistant Secretary Russell To Inspect Foreign Service In-
stallations 44
- Consular Offices 44

The Congress

Publications

- Foreign Commerce Weekly 44

Training Announcements

Page
20

31

31

34

39

16

26

33

35

35

37

38

39

39

42

43

44

44

44

44

44

44

44

44

44

44

Work of the United Nations "Legal Committees"

Article by HENRY REIFF¹

TO THE projecting, designing, and construction of the United Nations the so-called "legal committees" which sat at Dumbarton Oaks, San Francisco, and London contributed, according to the record, considerable engineering skill.

At Dumbarton Oaks, in the summer of 1944, one of the four subcommittees set up to assist in the conduct of the Conversations was entitled "Legal Subcommittee". Under the chairmanship of Green H. Hackworth,² then Legal Adviser, Department of State, it held four meetings during the first phase of the Conversations. From its recommendations resulted chapter VII of the Proposals, which dealt with An International Court of Justice.³ It also suggested the desirability of holding a preliminary meeting of jurists for the purpose of drafting the Statute of the proposed Court. Such a Committee of Jurists, to which the governments to be represented at San Francisco were invited to send delegates, met in Washington, D. C., April 9 to 20, 1945, and prepared a draft statute for submission to the forthcoming United Nations Conference on International Organization (UNCIO).⁴

For the successful discharge of the tasks entrusted to the United Nations Conference on International Organization in San Francisco in the spring of 1945 and to the Preparatory Commission and the General Assembly in London in the fall and winter of 1945-1946, it was found necessary to include among the several committees set up for the performance of technical functions at each of these stages a committee, variously called, but uniformly charged with the handling of a miscellany of legal problems. At UNCIO it was Committee IV/2 on "Legal Problems"; in the Executive Committee of the Preparatory Commis-

sion in London it was Committee 5 on "Court and Legal Problems"; in the Preparatory Commission it was Committee 5 on "Legal Questions"; and in the General Assembly it was Committee 6, the "Legal Committee". Except in the case of Com-

¹ Dr. Reiff is an officer in the Division of International Organization Affairs, Office of Special Political Affairs, Department of State. He served as a technical expert with the Delegation of the United States to the United Nations Conference on International Organization at San Francisco. For articles by Dr. Reiff on Transition from League of Nations to United Nations, see BULLETIN of Apr. 28, 1946, p. 691, and May 5, 1946, p. 739.

² The other United States representatives on the subcommittee were Benjamin V. Cohen and Stanley K. Hornbeck. The Soviet representatives were Professor Sergei A. Golunsky and Professor Sergei B. Krylov; United Kingdom, Sir William Malkin and Peter Loxley. Durward V. Sandifer, Assistant Chief of the Division of International Organization Affairs, Department of State, served as technical adviser to the American members of the subcommittee. Hayden Raynor, Special Assistant to the Under Secretary of State, and the following officers from the Division of International Organization Affairs also assisted the American members; Lawrence Preuss, Alice McDiarmid, Marcia Maylott, and Norman Padelford. See "Subcommittees for the Conversations," BULLETIN of Aug. 27, 1944, p. 203; and James F. Green, "The Dumbarton Oaks Conversations," BULLETIN of Oct. 22, 1944, p. 459.

³ "Dumbarton Oaks Documents on International Organization", BULLETIN of Oct. 8, 1944, pp. 365, 370.

⁴ Lawrence Preuss, "The International Court of Justice and the Problem of Compulsory Jurisdiction", BULLETIN, Sept. 30, 1945, pp. 471, 473. See also Green H. Hackworth, "The International Court of Justice", BULLETIN of Aug. 12, 1945, p. 216; and by the same author "The International Court of Justice and the Codification of International Law", BULLETIN of Dec. 23, 1945, p. 1600. Cf. *The International Court of Justice, Selected Documents Relating to the Drafting of the Statute* (Department of State publication 2491).

mittee 5 of the Executive Committee, whose membership was confined to the number of states represented on the Executive Committee, i.e. fourteen, these committees were composed of representatives of all of the members of the United Nations. The United States was, of course, represented on each of these committees,⁵ but not on all of the subcommittees which were set up from time to time.

It is with the work of the legal committees set up in San Francisco and in London that the present discussion deals. The work of these committees falls naturally into two periods. At San

⁵The personnel assigned to UNCIO Commission IV on "Judicial Organization", which embraced both Committee 1 on the "International Court of Justice" and Committee 2 on "Legal Problems", was as follows: Senator Tom Connally and Commander Harold E. Stassen, U. S. N. R., Delegates; Green H. Hackworth, Legal Adviser to the Department of State, and Charles Fahy, Solicitor General of the United States (on June 19, 1946 Mr. Fahy became Legal Adviser to the Department of State), Advisers; Durward V. Sandifer, Chief, Division of International Organization Affairs, Department of State, a chief technical expert; Miss Marcia Maylott, Miss Marjorie M. Whiteman, Philip C. Jessup, Mrs. Alice M. McDiarmid, and Henry Reiff, technical experts. Of this group, Mr. Fahy represented the Delegation regularly on Committee 2, assisted by Dr. Jessup and Dr. Reiff.

The representation on the committees in London was as follows: Committee 5 of the Executive Committee, Dr. Reiff; Committee 5 of the Preparatory Commission, Dr. Reiff, John W. Halderman, Acting Assistant Chief, Division of International Organization Affairs, Department of State, and A. H. Feller, Department of State; Committee 6 of the General Assembly, Frank Walker, Alternate Delegate, Green H. Hackworth, Senior Adviser, Mr. Feller, Mr. Halderman, Dr. Reiff, and William F. Cronin, Assistant to Mr. Walker.

⁶ Subcommittee A of Committee IV/2 at its first meeting invited Judge Manley O. Hudson and Judge J. Gustavo Guerrero of the Permanent Court of International Justice to attend its discussions as observers. The subcommittee frequently availed itself of Judge Hudson's views.

⁷Thus eight of the first members (15 in number) of the International Court of Justice had served on one or more of these legal committees: Abdel Hamid Badawi Pasha (Egyptian); John Erskine Read (Canadian); Green Haywood Hackworth (American); Sergei Borisovich Krylov (Russian); Jules Basdevant (French); José Gustavo Guerrero (Salvadoran); Bohdan Winiarski (Pole); and Milovan Zoričić (Yugoslav). Two had served on Committee IV/1: Hsu Mo (Chinese) and Charles de Visser (Belgian); and two had served on other committees during these formative stages. Many of the candidates proposed but not elected had also rendered distinguished service to one or another of the legal committees.

⁸ *Infra*.

Francisco, Committee IV/2 was charged primarily with the preparation of certain provisions for inclusion in the Charter. The several legal committees sitting in London were charged with devising certain of the means of putting the Charter into operation. All of the committees, however, were expected to furnish, and on occasion did furnish, advice to other committees on the legal aspects of problems which confronted them.

The legal committees were fortunate, as indeed were various of the other technical committees, in having among their number members of pre-eminent talent.⁶ Attorneys general and other national law officers of similar rank, judges of the highest tribunals, national and international, legal advisers to foreign offices, counselors of diplomatic missions, experts long associated with the League of Nations, jurists renowned in forum and classroom—these furnished leadership for the committees and seasoned their deliberations with a wisdom born of responsibility.⁷ Enough of those who had served at UNCIO reappeared for the Preparatory Commission and the General Assembly stages to give to the development of the United Nations a most desirable internal consistency.

Debates in Committee IV/2 generally conformed with the high purposes for which UNCIO was called. No occlusive political juristic theory held sway. To every proposal advanced was applied the simple touchstone of pragmatism. Though ideals were invoked, decisions reflected experience—experience prior to the League of Nations and in and out of it. The lessons then being learned from World War II were not ignored. Often the discussions had the quality of those recorded in Madison's *Journal*. Both in what it recommended for inclusion in the Charter and in what it declined to so recommend, Committee IV/2 may be thought to have acquitted itself well.

The legal committees in London, charged with the performance of more detailed tasks, witnessed more prosaic discussions. On occasion, however, as when the Australian proposal to postpone election of the judges of the International Court of Justice⁸ and when the amendments to the provisional rules of the General Assembly⁹ were under consideration, debate took on a quality reminiscent of San Francisco's best. Members believed principles were at stake, and they spoke accordingly.

The present discussion seeks only to outline the

work of these several committees, to furnish a thread through their labyrinthian records. No attempt will, therefore, be made to set forth the positions of delegations, to summarize debates, or to interpret the provisions or instruments adopted. Official⁹ and unofficial¹⁰ commentaries on the results of UNCIO have already appeared. In due course, no doubt, commentaries will appear on the labors of the Executive Committee, the Preparatory Commission and the first part, the "constitutive part," of the General Assembly. Meanwhile, the present outline may be of service in use of the records.

UNCIO COMMITTEE IV/2 ON LEGAL PROBLEMS OF COMMISSION IV ON JUDICIAL ORGANIZATION

Committee IV/2, unlike other committees at San Francisco, had no sections of the Dumbarton Oaks Proposals specifically assigned to it. The meeting of the chairmen of delegations requested it "to prepare and recommend to Commission IV draft provisions for the Charter . . . relating to matters dealt with in connection with the functioning of the United Nations Organization, . . ." such as (1) registration of treaties; (2) treaty obligations inconsistent with the Charter; (3) the juridical status of the Organization; and (4) privileges and immunities of officials of the Organization.¹¹ These had been omitted from the skeletal Proposals but obviously needed to be inserted in the finished Charter. At the first meeting of the committee, the chairman, Badawi Pasha (Egypt), suggested for consideration (5) codification of international law and (6) revision of treaties (otherwise frequently referred to as the process of "peaceful change").¹² Subsequently the following topics were also placed on the agenda: (7) relation of international law and the Charter to internal law; (8) interpretation of the Charter; and (9) coming into force of the Charter.

Certain other items of a miscellaneous character, though not placed on the agenda of Committee IV/2, were mentioned in connection with its work and may be listed here for disposal presently: (10) definition of acts of aggression; (11) organization of an international bar association; (12) the consequences of taking an "oath of allegiance" to the Organization by members of the Secretariat; and (13) a flag for the United Nations.

In the discussion of these topics, Committee IV/2 was aided by some 85¹³ of the *Comments*

and *Proposed Amendments Concerning the Dumbarton Oaks Proposals Submitted by the Delegations to the United Nations Conference on International Organization*.¹⁴ These were compiled according to subject-matter by the Secretariat and presented in separate documents to the committee when the corresponding items appeared on the agenda. Numerous additional proposals and suggestions, however, were made from the floor under the generous rules of procedure applied to the discussions of the committee and its subcommittees.

Committee IV/2 utilized for drafting purposes only two small subcommittees, named A and B respectively. To Committee IV/2/B was assigned only one topic, that relating to interpretation of the Charter. The task of examining and reporting on the other proposals committed by Committee IV/2 fell to Committee IV/2/A. Documents prepared for the use of these subcommittees, called "Working Documents", are included in the compilation published by the United Nations Information Organizations.¹⁵ Eleven delegations were represented on subcommittee A¹⁶ and six on subcommittee B,¹⁷ the United States being included in both cases. A verbatim record, not

⁹ *Charter of the United Nations: Report to the President on the Results of the San Francisco Conference by the Chairman of the United States Delegation, The Secretary of State, June 26, 1945* (Department of State Publication 2349, Conference Series 71).

¹⁰ L. M. Goodrich and E. Hambro, *Charter of the United Nations: Commentary and Documents* (World Peace Foundation, Boston, 1946).

¹¹ "Organization of the Conference", UNCIO Doc. 31, DC/6, Apr. 27, 1945, p. 5.

¹² Summary Report of the First Meeting of Committee IV/2, May 5, 1945, UNCIO Doc. 115, IV/2/2, May 6, 1945.

¹³ *Guide to Amendments, Comments and Proposals Concerning the Dumbarton Oaks Proposals for a General International Organization*, UNCIO Doc. 288, G/38, May 14 1945, pp. 70-72.

¹⁴ Compilation so entitled under UNCIO Doc. 2, and dated May 7, 1945.

¹⁵ *Documents of the United Nations Conference on International Organization, San Francisco, 1945, Published in cooperation with the Library of Congress* (London, New York, United Nations Information Organizations, 1945, 15 vols., index vol. to be issued), vol. XIII, Commission IV, Judicial Organization, pp. 567 ff.

¹⁶ Belgium, Colombia, France, Iran, New Zealand, Norway, Philippine Commonwealth, Soviet Union, United Kingdom, United States, and Venezuela. The Chairman of Committee IV/2, the delegate of Egypt, served also as chairman of this subcommittee.

¹⁷ Belgium, France, Norway, Yugoslavia, United Kingdom, and United States.

yet published, was kept of the proceedings of Committee IV/2 as of other similar committees, but not of its subcommittees, where the conduct of business was on a very informal level. Members were, however, at liberty at all times to make records of these discussions for the use of their delegations, and some did so regularly. A summary record of the proceedings of Committee IV/2, as of other similar committees, prepared by the Secretariat,¹⁸ was issued promptly after each session. Committee IV/2 held 16 meetings; Committee IV/2/A, 15; and Committee IV/2/B, 1.

MISCELLANEOUS TOPICS

Before taking up seriatim the items which appeared on the agenda, it may be convenient to dispose of the miscellaneous topics.

It was suggested at the first meeting of Committee IV/2 that the committee undertake a definition of the term *aggressor*. The chairman declared, however, that consideration of that topic belonged properly to other committees.¹⁹ Com-

¹⁸ In all of its work, Committee IV/2 naturally relied heavily upon the members of the Secretariat assigned to it. Under the Executive Officer for Commission IV, Norman J. Padelford, the Assistant Executive Officer, Joseph Sweeney, and the Associate Executive Officer, Robert Harpignies, the following officers were assigned to Committee IV/2: Secretary, Edwin D. Dickinson; Assistant Secretaries, Dana Backus, Llewellyn Pfankuchen, and James Simsarian. UNCIO Doc. 68, IV/1, May 3, 1945. For the list of the personnel of the Secretariat, see *Delegates and Officials of the United Nations Conference on International Organization, Revised to May 28*, San Francisco, California, 1945, UNCIO Doc. 639, G/3(2), May 28, 1945, pp. 79 ff.

¹⁹ To Committee III/3, concerned with "Enforcement Arrangements" under the Security Council, had been assigned "matters dealt with in Chapter VIII, Section B . . . of the Dumbarton Oaks Proposals." That section embraced "Determination of Threats to the Peace or Acts of Aggression and Action with Respect Thereto." UNCIO Doc. 31, cited *supra*, n. 11. See Report of Committee III/3 on chapter VIII, section B, UNCIO Doc. 881, III/3/46, June 10, 1945, p. 4.

²⁰ UNCIO Doc. 115, cited *supra*, n. 12.

²¹ But the records of Committee IV/1 do not reveal consideration of the subject. See, e.g., Report of the Rapporteur of Committee IV/1, UNCIO Doc. 913, IV/1/74 (1), June 12, 1945.

²² The UNCIO Summary Report for this meeting omits this detail. UNCIO Doc. 450, IV/2/20, May 19, 1945. No provision for a flag was made in the Convention on the Privileges and Immunities of the United Nations approved by the General Assembly in London.

²³ Draft Report of Subcommittee I/2/D (the Secretariat), June 1, 1945, UNCIO Doc. 720, I/2/D/1, May 31, 1945.

mittee IV/2 therefore did not discuss the problem.²⁰

At the same meeting it was suggested that the committee might consider the organization of an "International Bar Association." The chairman ventured the view that the subject really pertained to Committee IV/1, which dealt with the International Court of Justice. Committee IV/2 thereupon dropped the matter.²¹

In the seventh meeting of Committee IV/2 on May 19, 1945 during the discussion of the report of the subcommittee on privileges and immunities, the Chilean Delegate expressed the view that provision should be made for the use of a flag by the United Nations, as for example, when chartering a ship, and for other purposes. He thought that if reference to the idea appeared in the report it might come in handy later when a convention on privileges and immunities was being drafted. The chairman felt, however, that the report had gone into enough detail. The delegate then did not press the matter.²²

During a discussion in Committee I/2 of a paragraph in a report²³ by the subcommittee on the Secretariat dealing with a proposed undertaking by the members of the United Nations "to respect the exclusively international character of the responsibilities of the Secretary-General and the staff and not to seek to influence them in the discharge of their responsibilities", the "question was raised whether this paragraph covered the risk which might be faced by a member of the Secretariat as the result of taking an oath of allegiance to the Organization" and as a result of participating "in the preparation of military plans for possible use against his own state". Committee I/2 felt these were matters for the attention of Committee IV/2. The records of Committee IV/2 do not, however, indicate that these matters were presented to it for examination.

AGENDA TOPICS

Of the nine problems dealt with at some length by Committee IV/2 and its subcommittees, four did not become the subject of texts recommended by the committee for inclusion in the Charter. Their disposition will now be outlined.

CODIFICATION OR DEVELOPMENT OF INTERNATIONAL LAW

The wide-spread interest of governments in securing some provision in the Charter devoted to

the development of international law is evidenced by the fact that fifteen governments submitted comments on the subject, eight of them also offering proposed amendments, and that the Four Sponsoring Powers included the subject in one of their joint proposed amendments.²⁴ Accordingly, the topic appeared on the agenda of the tenth meeting of Committee IV/2 for May 23, 1945.²⁵ It was speedily pointed out in debate, however, that Committee II/2 on "Political and Security Functions," was also dealing with this question and had already passed two motions on the matter.²⁶ The questions put to Committee II/2 were: (1) "Should the Assembly be empowered to initiate studies and make recommendations for the codification of international law?" and (2) "Should the Assembly be empowered to initiate studies and make recommendations for promoting the revision of the rules and principles of international law?" For both the vote was in the affirmative. But on the following question, the vote of Committee II/2 was 26 to 1 in the negative: (3) "Should the Assembly be authorized to enact rules of international law which should become binding upon members after such rules shall have been approved by the Security Council?" Confronted with this voting record of a fellow committee, Committee IV/2 declined to proceed with its agenda item.²⁷ In its final report it submitted no recommendation on the subject,²⁸ but the decisions of Committee II/2 are embodied in the clause dealing with international law in article 13 of the Charter.

REVISION OR RECONSIDERATION OF TREATIES

"Should the Charter provide for the reconsideration of treaties and what should be the criteria of such reconsideration?" This question appeared on the agenda for Committee IV/2 for May 21, 1945.²⁹ On opening of the debate, the Delegate of China referred to the proposal put forward by the Four Sponsoring Powers, then before Commission II, empowering the General Assembly "to recommend measures for the peaceful adjustment of any situations, regardless of origin, which it deems likely to impair the general welfare or friendly relations among nations . . ."³⁰ This, he declared, provided for the principle of revision of treaties. He raised the question whether, in view of the debate occurring in Committee II/2, the present committee would wish to deal with the subject. A division of opinion among delegates thereupon appeared with respect to the nature of the

subject, whether it was political or juridical, or both. Some delegates "felt that there were juridical aspects which could be distinguished from the political nature of the problem and that these should be discussed by the committee." The entire session of the committee was devoted to discussion of the jurisdictional question. In the end it was agreed that "the question of revision of treaties should be postponed until the Steering Committee³¹ requests Committee IV/2 to take the matter under advisement."³² No such request came to Committee IV/2. Committee II/2, however, after extended and exegetic debate,³³ recommended the provision quoted above for inclusion in the Charter, where it appears in a qualified context in article 14.

RELATION OF INTERNATIONAL LAW AND THE CHARTER TO INTERNAL LAW

Several governments in their comments and proposed amendments in relation to the Dumbarton Oaks Proposals had displayed interest in a provision for the Charter designed expressly to subordinate national internal law to international law and the obligations of the Charter. The text offered by the Belgian Delegation came under discussion first. It read: "No state can evade the authority of international law or the obligations of

²⁴ Documentation for Meetings of Committee IV/2, Development of International Law, UNCIO Doc. 225, IV/2/9, May 11, 1945.

²⁵ UNCIO Doc. 522, IV/2/25, May 23, 1945.

²⁶ Summary Report of Tenth Meeting of Committee II/2, May 21, 1945, UNCIO Doc. 507, II/2/22, May 23, 1945.

²⁷ Summary Report of Tenth Meeting of Committee IV/2, May 23, 1945, UNCIO Doc. 554, IV/2/28, May 25, 1945.

²⁸ Report of the Rapporteur of Committee IV/2, UNCIO Doc. 933, IV/2/42/(2), June 12, 1945, p. 6.

²⁹ UNCIO Doc. 458, IV/2/21, May 20, 1945. For the comments and proposed amendments submitted to the Conference, see UNCIO Doc. 223, IV/2/8, May 11, 1945.

³⁰ Summary Report of Third Meeting of Committee II/2, May 9, 1945, UNCIO Doc. 203, II/2/8, May 10, 1945.

³¹ Composed of the chairmen of all the delegations. It had authority to "consider any major policy or procedure question submitted to it during the Conference by the Co-Presidents or by the Chairman of any Delegation." "Organization of the Conference", UNCIO Doc. 31, DC/6, Apr. 27, 1945.

³² Summary Report of Eighth Meeting of Committee IV/2, May 21, 1945, UNCIO Doc. 492, IV/2/23, May 22, 1945.

³³ See particularly Summary Reports of the Seventeenth and Eighteenth Meetings, June 1 and June 2, 1945, UNCIO Doc. 748, II/2/39, June 2, 1945, and Doc. 771, II/2/41, June 3, 1945, respectively. Senator Vandenberg's exposition is in Doc. 748.

the present Charter by invoking the provisions of its internal law."³⁴ The summary report for the ninth meeting of Committee IV/2 accurately sums up the debate on the proposal: "There was no disagreement with the principle underlying the proposal before the Committee. It was stated, however, that such a proposal did not need to be inserted in the Charter, but more properly belonged in a codification of international law, if that were later to be undertaken by the General Assembly."³⁵ On the question of inclusion or exclusion of such a clause, the vote of the committee was 21 in favor of insertion and 15 against. The motion was lost, however, for lack of a two-thirds majority. The principal motion having failed of adoption, a subordinate motion to commit the subject for study to the subcommittee, favored by various delegates who had objected to insertion, was lost too. Nevertheless, the chairman, interpreting the "good will" of the committee and in the absence of objection, referred the defeated proposal amidst general laughter to the subcommittee. The subcommittee, IV/2/A, did not, however, resume discussion of the subject.³⁶

INTERPRETATION OF THE CHARTER

At the eleventh meeting of Committee II/2 on Political and Security Functions, on May 23, 1945, the following question was discussed: "Should the General Assembly have sovereign (exclusive) competence to interpret the provisions of the Charter?" After some of the implications of the question were explored, Committee II/2 approved a suggestion that the topic of interpretation should be referred to Committee IV/2 for consideration.³⁷

³⁴ Documentation for Meetings of Committee IV/2, Relation of International Law and the Charter to Internal Law, UNCIO WD 12, IV/2/24, May 22, 1945.

³⁵ May 22, 1945, UNCIO Doc. 527, IV/2/27, May 23, 1945.

³⁶ Report of Committee IV/2, UNCIO Doc. 933, IV/2/42/(2), June 12, 1945.

³⁷ UNCIO Doc. 536, II/2/24, May 24, 1945.

³⁸ Agenda for Twelfth Meeting of Committee IV/2, May 28, 1945, UNCIO Doc. 623, IV/2/31, May 28, 1945.

³⁹ Summary Report of Twelfth Meeting of Committee IV/2, May 28, 1945, UNCIO Doc. 664, IV/2/33, May 29, 1945. See *supra*, n. 17, for delegations appointed to this subcommittee.

⁴⁰ Report of Special Subcommittee of Committee IV/2 on the Interpretation of the Charter, UNCIO Doc. 750, IV/2/B/1, June 2, 1945.

⁴¹ Revised Summary Report of Fourteenth Meeting of Committee IV/2, June 7, 1945, UNCIO Doc. 873, IV/2/37 (1), June 9, 1945.

For Committee IV/2 the question was rephrased to read: "How and by what organ or organs of the Organization should the Charter be interpreted?"³⁸ The French Delegate reviewed and summarized the discussion in Committee II/2 for the benefit of Committee IV/2 at its twelfth meeting on May 28, 1945. Then followed probably one of the most instructive debates witnessed in any of the technical committees of the Conference. The quintessentials of the role of the interpretative function under various types of fundamental instruments, both national and international, were set forth by experts eminently qualified to speak for diverse juristic and political systems. At the conclusion of the debate the committee decided that a special subcommittee be appointed to investigate the question further and to prepare a report for submission to the full committee.³⁹

When the report of the subcommittee⁴⁰ was presented to Committee IV/2 further debate ensued. After defeat of an amendment which some members believed would have weighted the process unduly in favor of the advisory opinion method of interpretation, Committee IV/2 approved the report without any change in its language.⁴¹ The text of the substantive part of the report follows:

"In the course of the operations from day to day of the various organs of the Organization, it is inevitable that each organ will interpret such parts of the Charter as are applicable to its particular functions. This process is inherent in the functioning of any body which operates under an instrument defining its functions and powers. It will be manifested in the functioning of such a body as the General Assembly, the Security Council, or the International Court of Justice. Accordingly, it is not necessary to include in the Charter a provision either authorizing or approving the normal operation of this principle.

"Difficulties may conceivably arise in the event that there should be a difference of opinion among the organs of the Organization concerning the correct interpretation of a provision of the Charter. Thus, two organs may conceivably hold and may express or even act upon different views. Under unitary forms of national government the final determination of such a question may be vested in the highest court or in some other national authority. However, the nature of the Organization and of its operation would not seem to be such as to invite the inclusion in the Charter

of any provision of this nature. If two member states are at variance concerning the correct interpretation of the Charter, they are of course free to submit the dispute to the International Court of Justice as in the case of any other treaty. Similarly, it would always be open to the General Assembly or to the Security Council, in appropriate circumstances, to ask the International Court of Justice for an advisory opinion concerning the meaning of a provision of the Charter. Should the General Assembly or the Security Council prefer another course, an *ad hoc* committee of jurists might be set up to examine the question and report its views, or recourse might be had to a joint conference. In brief, the members or the organs of the Organization might have recourse to various expedients in order to obtain an appropriate interpretation. It would appear neither necessary nor desirable to list or to describe in the Charter the various possible expedients.

"It is to be understood, of course, that if an interpretation made by any organ of the Organization or by a committee of jurists is not generally acceptable it will be without binding force. In such circumstances, or in cases where it is desired to establish an authoritative interpretation as a precedent for the future, it may be necessary to embody the interpretation in an amendment to the Charter. This may always be accomplished by recourse to the procedure provided for amendment."

PROVISIONS RECOMMENDED FOR CHARTER

On five subjects, Committee IV/2 recommended texts of provisions for inclusion in the Charter. The process of preparing the texts in each case included one or more days of general debate of the subject in the full Committee IV/2; study and detailed discussion by subcommittee IV/2/A in one or more of its meetings; the drafting of a text and a report to accompany it in the subcommittee with the aid of the Secretariat and, on one occasion, of a small special drafting committee set up by the subcommittee; and the submission of the text and the accompanying report to the full committee for its scrutiny, discussion, and approval. Members of the subcommittee would have cause to congratulate themselves in view of the fact that Committee IV/2 made no changes in the texts they submitted and very few changes in their accompanying reports.

PRIVILEGES AND IMMUNITIES

The first substantive topic to which Committee IV/2 turned its attention, after it had organized itself, was privileges and immunities of the Organization, its officials and its staff, and the national representatives accredited to it. The committee had before it for its consideration certain comments and amendments submitted by the delegations of Canada and Mexico.⁴² Subsequently, it had the benefit of a text proposed by the Belgian Delegation, which was included in supplementary documentation.⁴³ After discussion of the questions on the agenda,⁴⁴ one of which referred to "diplomatic" privileges and immunities, and of the Canadian proposal, which envisaged authorizing the General Assembly to adopt a convention on the whole subject of privileges and immunities, "the committee unanimously agreed that the Charter should provide privileges and immunities for: (a) property owned or occupied by the United Nations Organization and devoted to its use, and (b) representatives of members and officials of the United Nations Organization and their staffs." It was also unanimously agreed that the subcommittee should "draft the text of a provision regarding the principle of immunities and privileges to be included in the Charter".⁴⁵

In pursuance of this mandate, Subcommittee IV/2/A devoted its first four meetings to detailed examination of the topic and the preparation of a text for the Charter. Various of the members, including those sitting for the United States and the United Kingdom, offered draft phrasings for the desired text. It was agreed during the lengthy and highly technical discussions: (a) that the subcommittee should in its draft Charter provision avoid the term "diplomatic" and substitute "a more appropriate standard, based, for the purposes of the Organization, on the necessity of realizing its purposes and, in the case of the representatives of its members and the officials of the Organization, on providing for the independent exercise of their functions;" (b) that the provision should be applicable only to organs and agencies established by

⁴² Documentation for Meetings of Committee IV/2, Privileges and Immunities, UNCIO Doc. 174, IV/2/6, May 9, 1945.

⁴³ UNCIO Doc. 297, IV/2/16, May 15, 1945.

tions on the agenda,⁴⁴ one of which referred to

⁴⁴ Agenda for the Second Meeting of Committee IV/2, May 10, 1945, UNCIO Doc. 153, IV/2/3, May 9, 1945.

⁴⁵ Summary Report of Second Meeting of Committee IV/2, May 10, 1945, UNCIO Doc. 228, IV/2/10, May 11, 1945.

the Charter or in pursuance of the same, and not to international agencies independently established but brought into relation with the Organization; (c) that the General Assembly should have a choice of means in determining the application of the Charter provision, by making recommendations or proposing conventions for the purpose; and (d) that whether or not the General Assembly exercised the authority conferred on it, the rule set forth in the Charter should be obligatory for all members as soon as that instrument became operative.⁴⁶

Accordingly, the subcommittee submitted a text along these lines and a report in explanation of it to Committee IV/2 at its seventh meeting, May 18, 1945.⁴⁷ In the full committee considerable discussion centered on the question whether the International Court of Justice, whose Statute was then being elaborated in Committee IV/1, was covered by the provisions of the suggested article. It was agreed that the article covered the Court as an organ of the United Nations but that the privileges and immunities of the judges remained to be defined in an appropriate article of the Statute of the Court.⁴⁸ The report was amended to clarify this point, but the text proposed by the subcommittee was adopted without change.⁴⁹ The language of the text, including the purely stylistic changes made by the Coordination Committee,⁵⁰ appears in article 105 of the Charter thus:

"1. The Organization shall enjoy in the territory of each of its Members such privileges and immunities as are necessary for the fulfillment of its purposes.

⁴⁶ The subcommittee met on May 14, 15, 16, and 17 respectively. Report Submitted by Subcommittee to Committee IV/2, UNCIO Doc. 412, IV/2/A/2 (1), May 18, 1945.

⁴⁷ Summary Report, UNCIO Doc. 450, IV/2/20, May 19, 1945.

⁴⁸ Art. 19 of the Statute provides: "The members of the Court, when engaged on the business of the Court, shall enjoy diplomatic privileges and immunities."

⁴⁹ Summary Report of Seventh Meeting of Committee IV/2, May 18, 1945, UNCIO Doc. 450, IV/2/20, May 19, 1945. Corrigendum to UNCIO Doc. 412, *supra*, is UNCIO Doc. 412, IV/2/A/2(2), May 19, 1945.

⁵⁰ Discussed *infra*, n. 84.

⁵¹ Documentation for Meetings of Committee IV/2, Registration and Publication of Treaties and International Agreements, UNCIO Doc. 173, IV/2/5, May 9, 1945.

⁵² Summary Report of Third Meeting of Committee IV/2, May 11, 1945, UNCIO Doc. 261, IV/2/13, May 12, 1945.

⁵³ May 18, 19, 21, 24, and 25, 1945, respectively.

⁵⁴ Cf. Report to the President, p. 154, cited *supra*, n. 9.

"2. Representatives of the Members of the United Nations and officials of the Organization shall similarly enjoy such privileges and immunities as are necessary for the independent exercise of their functions in connection with the Organization.

"3. The General Assembly may make recommendations with a view to determining the details of the application of paragraphs 1 and 2 of this Article or may propose conventions to the Members of the United Nations for this purpose."

REGISTRATION AND PUBLICATION OF TREATIES AND INTERNATIONAL AGREEMENTS

Sundry governments in their comments on the Dumbarton Oaks Proposals suggested the inclusion of a provision in the Charter for the registration and publication of treaties and international agreements.⁵¹ There was no dissent in Committee IV/2 from the principle of this proposition, but there was general agreement that certain of the stipulations in the correlative provision in the Covenant, article 18, particularly the one related to the non-binding character of an unregistered treaty, had not been altogether satisfactory. Debate concentrated on three aspects of the question: (a) the scope of a desirable provision, i.e., what types of intergovernmental agreements should be subject to registration; (b) the sanction for non-registration, i.e., what penalty should attach for failure to register; and (c) whether the operation of the obligation should be prospective, i.e., requiring the registration of agreements which become effective after the date of coming into force of the Charter, or whether it should be retroactive, i.e., requiring the registration of agreements which had become effective prior to the date of coming into force of the Charter, back to a date remaining to be agreed upon.⁵²

Subcommittee IV/2/A devoted five entire meetings, its fifth to ninth inclusive,⁵³ to discussion of a suitable text. It examined in detail the aspects explored in the full committee. It discussed over several days the applicability of the principle of registration to agreements which might be concluded in pursuance of the security scheme contemplated for the Organization.⁵⁴ The most difficult of the problems to be solved, however, related to the nature of the sanction for failure to register. The subcommittee took up the suggestion made by the Brazilian Delegate in the discussion in Committee IV/2, to the effect that treaties not regis-

tered should not be invocable in proceedings before the United Nations, and considered various forms of words incorporating the idea. It discussed at some length the possible effects of such a sanction upon treaties to which states not members of the United Nations might be party and agreed that registration would have to be open to states not members of the United Nations. It then charged a small special subcommittee, consisting of the chairman (the Delegate of Egypt) and the Delegates of the United Kingdom and Belgium, all expertly bilingual, with the task of producing drafts in English and French. Even these drafts were subjected to extensive revision by the subcommittee.

When the draft texts and the commentary were presented to Committee IV/2 on May 26, 1945, that committee made no changes in the texts and but a few in the commentary.⁵⁵ These texts, with the necessary stylistic changes made by the Coordinating Committee, became article 102 of the Charter, which reads as follows:

"1. Every treaty and every international agreement entered into by any Member of the United Nations after the present Charter comes into force shall as soon as possible be registered with the Secretariat and published by it.

"2. No party to any such treaty or international agreement which has not been registered in accordance with the provisions of paragraph 1 of this article may invoke that treaty or agreement before any organ of the United Nations."

It should be noted, however, as the commentary of Committee IV/2 on paragraph 1 put it: "The . . . text is general in terms but is not intended to preclude appropriate regulations defining its application."⁵⁶

OBLIGATIONS INCONSISTENT WITH THE CHARTER

The problem of obligations inconsistent with the Charter⁵⁷ was one of the most difficult of those dealt with by Committee IV/2: the committee devoted three entire meetings⁵⁸ to discussion of the subject before agreement was sufficiently advanced to entrust formulation of a text to the subcommittee. Thorough-going as this debate was, the subcommittee found it necessary to spend two whole meetings and parts of two others in preparation of a text and commentary.⁵⁹

On the agenda⁶⁰ for the fourth meeting of Committee IV/2 were the following questions:

Should the Charter provide that members

(a) Agree that all obligations *inter se* which are inconsistent with the Charter are abrogated?

(b) Agree to take immediate steps to secure release from any other obligation which is inconsistent with the Charter?

(c) Agree not to undertake any obligation inconsistent with the Charter?

The debate in the full committee revealed widely divergent approaches to the solution of the problem, some delegates contending that no provision on the subject appear in the Charter at all and others that a provision be inserted requiring automatic abrogation of all treaties inconsistent with the Charter, past and future. There was similar divergence of view with respect to providing or not providing for a procedure to determine alleged inconsistency. There was further difference of opinion as to what organ, if any, of the United Nations should be empowered to apply the procedure. Delegates set forth many of the subtleties involved in the determination of a question of inconsistency. Lessons were drawn from the experience of the League of Nations under article 20 of the Covenant. One delegate drew attention to the case of agreements not inconsistent with the Charter but which could be so used as to frustrate or impede action which the Organization might wish to take. Others referred to the enormous practical difficulties confronting a state on entering the United Nations if it were required at that time to review all of its outstanding treaty obligations on the point of consistency with the Charter. Committee IV/2 appeared to agree generally on

⁵⁵ Report of Subcommittee IV/2/A on Registration and Publication of Treaties, UNCIO Doc. 585, IV/2/A/4, May 25, 1945. As amended by Committee IV/2 it became UNCIO Doc. 651, IV/2/A/4(1), May 28, 1945. Summary Report of Eleventh Meeting of Committee IV/2, May 26, 1945, UNCIO Doc. 629, IV/2/32, May 26, 1945.

⁵⁶ The making of provisions for the adoption of such "appropriate regulations" became one of the tasks of the legal committees meeting in London. See *infra*.

⁵⁷ Documentation for Meetings of Committee IV/2, Obligations Inconsistent with the Charter of the United Nations Organization, UNCIO Doc. 172, IV/2/4, May 9, 1945.

⁵⁸ Summary Reports for the Fourth, Fifth, and Sixth Meetings of Committee IV/2, May 12, 16, and 17, 1945, respectively; UNCIO Doc. 270, IV/2/14, May 14, 1945; Doc. 378, IV/2/17, May 17, 1945; and Doc. 419, IV/2/19, May 18, 1945.

⁵⁹ Its tenth to thirteenth meetings, May 30 and 31, June 4 and 5, 1945, respectively.

⁶⁰ UNCIO Doc. 248, IV/2/11, May 12, 1945.

at least one point, that members should not *for the future* undertake obligations inconsistent with the Charter.

In the subcommittee, progress toward a solution came with the voicing of this concept: "The Charter covers a much wider field than did the Covenant. It is therefore much more difficult to determine the incompatibility of a treaty theoretically in advance of a concrete case arising." Numerous phrasings of a text embodying this concept of possible future contingency were examined. Finally the subcommittee agreed upon the following:

"In the event of any conflict arising between the obligations of Members of the Organization under the Charter and their obligations under any other international agreement the former shall prevail."

At the fourteenth meeting of Committee IV/2, both the text and the commentary⁶¹ presented by the subcommittee were approved, "almost unanimously," as the chairman put it. Certain objections of the Australian Delegation to both text and commentary were entered on the record.⁶² The language of the text, after stylistic changes by the Coordination Committee, appears in article 103 of the Charter as follows:

"In the event of a conflict between the obligations of the Members of the United Nations under the present Charter and their obligations under any other international agreement, their obligations under the present Charter shall prevail."

JURIDICAL STATUS OF THE ORGANIZATION

Although Committee IV/2 first discussed the question of legal status of the proposed Organ-

⁶¹ Report of Subcommittee IV/2/A on Obligations Inconsistent with the Charter, UNCIO Doc. 798, IV/2/A/6 (1), June 5, 1945.

⁶² Summary Report of Fourteenth Meeting of Committee IV/2, June 7, 1945, UNCIO Doc. 843, IV/2/37, June 7, 1945, the report of the Australian declaration being corrected in UNCIO Doc. 873, IV/2/37 (1), June 9, 1945.

⁶³ Documentation for Meetings of Committee IV/2, Juridical Status of the International Organization, UNCIO Doc. 524, IV/2/26, May 23, 1945.

⁶⁴ Summary Report of Tenth Meeting of Committee IV/2, May 23, 1945, UNCIO Doc. 554, IV/2/28, May 25, 1945.

⁶⁵ Report of Subcommittee IV/2/A on the Juridical Status of the Organization, UNCIO Doc. 803, IV/2/A/7, June 6, 1945.

⁶⁶ Revised Summary Report of Fourteenth Meeting of Committee IV/2, June 7, 1945, UNCIO Doc. 873, IV/2/37 (1), June 9, 1945.

ization at its tenth meeting on May 23, 1945, the subcommittee had already discussed it in a preliminary fashion at its first meeting on May 15, 1945, in the course of its consideration of the larger problem of privileges and immunities. The extensive debate in both committees on this larger question of the functioning of the international entity then in process of creation facilitated agreement on the nature of the status to be accorded the Organization. Since there were several proposals⁶³ on the subject and some difference of opinion whether a Charter provision relating to it was really necessary, it was agreed to refer the question to the subcommittee "for consideration and report, with the understanding that the subcommittee might report as it saw fit on the matter".⁶⁴

Early in the twelfth meeting of the subcommittee, delegates compromised between the desire of some of them that no provision go into the Charter and the insistence of others that the several juridical capacities be enumerated by agreeing on a general and simple formula modeled upon that in the privileges and immunities clause. They reported the following text to Committee IV/2:

"The Organization shall enjoy in the territory of each of its members such legal capacity as may be necessary for the exercise of its functions and the fulfillment of its purpose."

In the accompanying report appears the following comment:

"The Organization must be able, in its own name, to contract, to hold movable and immovable property, to appear in court. These are only examples. The Subcommittee has preferred to express no opinion on the procedures of internal law necessary to assure this result. These procedures may differ according to the legislation of each member State. It is possible that among the majority of them it may be indispensable that the Organization be recognized as a juridical personality."

"As regards the question of international juridical personality, the Subcommittee has considered it superfluous to make this the subject of a text. In effect, it will be determined implicitly from the provisions of the Charter taken as a whole."⁶⁵

Both the text and the report were approved by Committee IV/2 without amendment or objection.⁶⁶ The text entered the Charter without any change by the Coordination Committee.

COMING INTO FORCE OF THE CHARTER

The final task of drafting assigned to Committee IV/2 consisted in framing a provision for the coming into force of the Charter and in preparing certain of the so-called "clauses protocolaires," i.e. formal provisions regulating procedural details pertinent to such coming into force.

An amendment dealing with ratification proposed by the Four Sponsoring Powers was discussed by Committee IV/2 at its thirteenth meeting on May 31, 1945. It read:

"The present Charter comes into force after its ratification in accordance with their respective constitutional processes by the members of the Organization having permanent seats on the Security Council and by a majority of the other members of the Organization."⁶⁷

Various questions relating to reservations, date of effectiveness, deposit of ratifications, and adherence were raised in the discussion in Committee IV/2. "Several delegates felt that the right to make reservations was a clear principle of international law, but others felt it was highly controversial and political in nature and should not be discussed by Committee IV/2. It was pointed out that this problem was not on the agenda; that it had not formally arisen; and, therefore, it was not within the competence of Committee IV/2. It was agreed not to discuss this point further." The other questions, however, were entrusted to the subcommittee for consideration.⁶⁸

In the subcommittee,⁶⁹ the Chairman and the Delegate of Norway suggested the "Government of the United States of America" as the depository power. A Chilean proposal for denunciation having appeared among the amendments submitted to Committee IV/2,⁷⁰ the subcommittee discussed it briefly. In view of the fact that the whole question of "universality" and "withdrawal" had been considered in Committee I/2,⁷¹ the subcommittee decided to pass over the question of "denunciation". It then adopted a form of words for a text which included many of the suggestions made in the full committee. It relied on the report to draw to "the attention of the appropriate committee of the Conference the need for considering the inclusion of provisions dealing with the signing of the Charter" and other matters on which it was submitting no text.⁷²

When the subcommittee was examining its provisional report at its next meeting,⁷³ it was in-

formed that the Conference might establish an interim commission and that it might be desired to have the commission, rather than the Government of the United States, act as the depository. An amendment to the report was accordingly drawn up in this sense.

Committee IV/2 examined the provisional report⁷⁴ of the subcommittee and the amendment at its fourteenth meeting.⁷⁵ After deleting from the report mention of the question of denunciation or withdrawal and accepting the subcommittee's amendment to its own report, it approved both report and text, the latter without change.⁷⁶

The text as it came from Committee IV/2 is as follows:

"1. The present Charter shall be ratified by the signatory states in accordance with their respective constitutional processes.

"2. The ratifications shall be deposited with the Government of the United States of America which shall notify all the signatory states of each deposit.

"3. As soon as ratifications have been deposited by each of the states entitled to a permanent seat on the Security Council and by a majority of the other signatory states, the Charter shall come into force for those states which have deposited their ratifications.

"4. The Charter shall come into force for each of the other signatory states on the date of the deposit of its ratification."

With certain changes and additions made by the Coordinating Committee,⁷⁷ the text relating to

⁶⁷ Documentation for Meetings of Committee IV/2, Coming into Force of the Charter, UNCIO Doc. 621, IV/2/30, May 26, 1945.

⁶⁸ Summary Report of Thirteenth Meeting of Committee IV/2, May 31, 1945, UNCIO Doc. 721, IV/2/35, May 31, 1945.

⁶⁹ Thirteenth meeting, June 5, 1945.

⁷⁰ Cited *supra*, n. 67.

⁷¹ Cf. Report of the Rapporteur (Membership) of Committee I/2 on chapter III, UNCIO Doc. 606, I/2/43, May 26, 1945, pp. 3-4.

⁷² *Infra*, n. 74.

⁷³ Fourteenth meeting, June 7, 1945.

⁷⁴ Provisional Report of Subcommittee IV/2/A on Coming into Force of the Charter, UNCIO Doc. 820, IV/2/A/8, June 6, 1945.

⁷⁵ *Op. cit. supra*, n. 66.

⁷⁶ Report of Subcommittee IV/2/A on Coming into Force of the Charter, UNCIO Doc. 837, IV/2/A/8(1), June 7, 1945.

⁷⁷ Summary Report of Eighteenth Meeting of Coordination Committee, June 13, 1945, UNCIO WD 314, CO/126, June 14, 1945.

coming into force as it appears in article 110 of the Charter is as follows:

"1. The present Charter shall be ratified by the signatory states in accordance with their respective constitutional processes.

"2. The ratifications shall be deposited with the Government of the United States of America, which shall notify all the signatory states of each deposit as well as the Secretary-General of the Organization when he has been appointed.

"3. The present Charter shall come into force upon the deposit of ratifications by the Republic of China, France, the Union of Soviet Socialist Republics, the United Kingdom of Great Britain and Northern Ireland, and the United States of America, and by a majority of the other signatory states. A protocol of the ratifications deposited shall thereupon be drawn up by the Government of the United States of America which shall communicate copies thereof to all the signatory states.

"4. The states signatory to the present Charter which ratify it after it has come into force will become original Members of the United Nations on

⁷⁸ UNCIO Doc. 899, IV/2/40, June 10, 1945, with Annexed Docs. 886 and 887.

⁷⁹ Summary Report, UNCIO Doc. 917, IV/2/41, June 12,

⁸⁰ Draft Report of the Rapporteur of Committee IV/2: (as submitted to the subcommittee) UNCIO WD 269, IV/2/42, June 12, 1945; (as presented to committee) IV/2, WD 269, IV/2/42 (1), June 12, 1945.

⁸¹ Report of the Rapporteur of Committee IV/2, as approved by the Committee, UNCIO Doc. 933, IV/2/42 (2), June 12, 1945.

⁸² Summary Report, UNCIO Doc. 934, IV/2/43, June 12, 1945.

⁸³ Verbatim Minutes of Second Meeting of Commission IV, June 15, 1945, UNCIO Doc. 1007, IV/12, June 15, 1945, pp. 12 ff.

⁸⁴ "Organization of the Conference", UNCIO Doc. 31, DC/6, Apr. 27, 1945. The Executive Committee was composed of the chairmen of the delegations of the Sponsoring Governments, namely, China, Union of Soviet Socialist Republics, United Kingdom, United States, and the chairmen of the delegations of ten additional governments, namely, Australia, Brazil, Canada, Chile, Czechoslovakia, France, Iran, Mexico, the Netherlands, Yugoslavia. The functions of the Executive Committee were to make recommendations to the Steering Committee for its consideration and otherwise to assist the Steering Committee as the latter might authorize. For the personnel of these conference committees, as well as the officers of Commission IV and its committees, see the handbook cited in n. 18, *supra*.

the date of the deposit of their respective ratifications."

FINAL REPORT OF COMMITTEE IV/2

The draft report of the rapporteur of Committee IV/2⁷⁸ submitted to the full committee at its fifteenth meeting on June 11, 1945,⁷⁹ was thought by 1945.

the committee to be too brief. It was sent to the subcommittee with instructions to include the fuller reports previously adopted by Committee IV/2 and for the achievement of clearer conformity in the English and French texts. The rapporteur of Committee IV/2 (the delegate of Nicaragua) was added to the subcommittee for the purpose in hand.

The revised draft report approved by the subcommittee at its fifteenth and final meeting on June 12, 1945 contained the texts of the reports of subcommittees A and B, which had been approved by the full committee, with an appropriate editing out of material of a non-final character.⁸⁰ Committee IV/2 at its sixteenth meeting on June 12, 1945 approved this report⁸¹ without comment or objection.⁸² Commission IV at its second meeting, June 15, 1945, received the report and formally approved each of the texts proposed for insertion in the Charter.⁸³

REVIEW BY COORDINATION COMMITTEE

Meanwhile, after completion of the work of Committee IV/2, the texts of the proposed Charter had been transmitted to the Coordination Committee. This committee, set up by the meeting of the chairmen of delegations, and under the chairmanship of Leo Pasvolosky of the United States Delegation, consisted of 14 members, one representing each member of the Executive Committee. It was charged with assisting the Executive Committee in the performance of the latter's functions.⁸⁴ More specifically, among its other tasks it received and scrutinized texts prepared for insertion in the Charter, making the necessary changes in the language to produce a uniform style and to eliminate repetitions and contradictions in the final instrument. Where any proposed change in language was thought to amount to a change in substance, the technical committee whence the text emanated was consulted for its

opinion.⁸⁵ The Coordination Committee was assisted by a small Advisory Committee of Jurists,⁸⁶ under the chairmanship of Green H. Hackworth of the United States Delegation, consisting of six distinguished international lawyers, three of whom, Jules Basdevant of France, S. A. Golunsky of the Soviet Union, and Sir William Malkin of the United Kingdom, had served on Committee IV/2. The Coordination Committee was also assisted by an Advisory Committee on Languages whose function it was to review approved texts from the point of view of language only, in order to assure accuracy and uniformity in all the five languages in which the final text of the Charter was to be signed, that is, English, French, Russian, Chinese, and Spanish.⁸⁷

Stylistic and other necessary changes made by the Coordinating Committee in the texts approved by Committee IV/2 have already been noted. One proposed alteration in language, however, was finally thought likely to involve a change in substance. In the Coordination Committee the phras-

ing of the article on inconsistent obligations was rendered as follows:⁸⁸

"In the event of a conflict between the obligations of the Members of the United Nations under the present Charter and *any other international obligations to which they are subject*, their obligations under the present Charter shall prevail."⁸⁹ The corresponding original phrasing referred to "their obligations under any other international agreement".⁹⁰ There being doubt in the Coordination Committee as to whether the new language involved a change of substance, the committee agreed to refer the article to the officers of Committee IV/2 for their opinion. At the request of the president of Commission IV, the original phrasing was restored "with a view to making the text correspond more exactly to the thoughts and decisions of Technical Committee IV/2 and of Commission IV".⁹⁰

As this précis of the work of Committee IV/2 indicates, every proposal considered by it which resulted in a provision for the Charter was debated, committed, discussed, examined, drafted, amended, revised, reported, approved, and otherwise technically dealt with repetitively during the conference. Indeed, some wag seeking verbs-of-action to describe every step in this elaborate process might not unreasonably be reminded of Rabelais' famous tale of Diogenes and his tub. In view of this intricate drafting process, it is unlikely then that any word or phrase has entered the Charter inadvertently.

FINAL ACTION BY UNCIO

After the Steering Committee had examined and approved⁹¹ the final draft of the Charter emanating from the Coordination Committee, the Conference approved it at its ninth plenary session on June 25, 1945.⁹² In an impressive ceremony, the delegates signed the Charter on June 26, 1945.

[EDITOR'S NOTE: The work of the United Nations legal committees which met in London will be discussed in a forthcoming issue of the BULLETIN.]

⁸⁵ Coordination Committee, Proposed Conference Procedure on Drafting Final Charter, UNCIO Doc. 178, CO/1, May 9, 1945, as amended and explained in the first meeting of the Coordination Committee. See Summary [Report] of First Meeting of Coordination Committee, May 9, 1945, UNCIO Doc. 198, CO/2, May 10, 1945.

⁸⁶ *Ibid.*

⁸⁷ Three panels were set up, one each for Russian, Chinese, and Spanish. On each panel were five experts, representing each of the five official languages but all of them knowing the language of the panel on which they served.

⁸⁸ UNCIO Doc. 1058, CO/132 (1), June 18, 1945, in compilation under UNCIO Doc. 1140, CO/179, June 21, 1945.

⁸⁹ Italics are the author's.

⁹⁰ Final Changes Made by the Coordination Committee in the Text of the Charter of the United Nations, as Approved by the Steering Committee, June 23, 1945. UNCIO Doc. 1192, CO/185, June 25, 1945.

⁹¹ Summary Report of Eleventh Meeting of the Steering Committee, June 23, 1945, UNCIO Doc. 1213, ST/23, June 23, 1945.

⁹² Verbatim Minutes of the Ninth Plenary Session, June 25, 1945, UNCIO Doc. 1210, P/20, June 27, 1945.

Peace Goals

By SENATOR AUSTIN

THIS FIRST ANNIVERSARY of the signing of the Charter of the United Nations is fittingly celebrated by concentrating on peace goals.

They are those objectives which the nations might practically achieve together before some world leader announces them as war goals. The achievement of them through the machinery of the United Nations, developing a habit among free peoples of collaboration on a world program, would give vitality to the Charter and demonstrate that we can peacefully attain the broader objectives.

Working together patiently under God's guidance is the only way to that understanding and confidence which will make the United Nations effective.

The machinery of general international organization cannot run itself. Only men who know what they want to achieve, and who have the united support of their several peoples, can supply the energy that will make the wheels turn.

Therefore, through national organizations of business, labor, agriculture, veterans, women, education, religion, and international relations, we strive to—

Plan a nation-wide educational program on the United Nations;

Inspire Americans, especially such citizens' organizations as the 150 conferring under the sponsorship of the Foreign Policy Association today, to look ahead and discuss what they hope

to see accomplished through United Nations machinery, particularly the goals toward which they want their representatives in the various organs, commissions, and specialized agencies to work;

Relate the main lines of American foreign policy to the task of clarifying our peace goals;

Suggest a few of the specific goals on which to exercise the relatively new function of acting together internationally.

Our deeds will count, not only in the attainment of their beneficent objectives, but also in building up morale to wage peace generally.

Every strategic point gained in collaboration with our Allies in the peace struggle will bring the world nearer to the final victory over the impersonal enemies of mankind.

In warfare we have defeated the enemy. In peace we have not consolidated the victory. This will not be achieved unless the purposes and principles of the United Nations are made living motives in the souls of men.

To bring this about, two immediate steps are necessary:

The holding action to prevent threats to peace defined in article 2 of the Charter. Thus, as in the shadow of a great rock, we could enjoy the security in which the other, and corresponding step, can be taken.

Operation of the machinery in definite, specific, common enterprises.

For example, the International Labor Organization, having more than 50 member states, has the basic purpose of promoting improved labor standards and social security in all countries. It aims to eliminate sub-labor standards, which cause unrest and disturbance, socially and economically.

An address delivered before the Foreign Policy Association in New York, N. Y., on June 26, 1946 the text of which was released to the press on the same date. The dinner was given on the occasion of the anniversary of the signing of the United Nations Charter. Mr. Austin, presently U. S. Senator from Vermont, has been nominated as U. S. Representative to the United Nations.

It is one of the specialized agencies enabled by article 57 of the Charter to be brought into relationship with the United Nations. This must be done by agreement with the Economic and Social Council, subject to approval by the General Assembly.

At the Paris Conference, held last December, the International Labor Organization prepared to sever its loose ties with the League of Nations and to affiliate with the United Nations.

The necessary steps of severing connections with the League of Nations were initiated at the Paris Conference, subject to ratification by the member states of the International Labor Organization. A draft agreement of relationship between the International Labor Organization and the United Nations was approved by the Economic and Social Council during the Council's present session here in New York.

It is hoped that this agreement will be approved by the General Assembly and by the General Conference of the International Labor Organization next September.

This International Labor Organization is a vigorous, going concern. Its practical effect on international cooperation is indicated by the fact that at Paris it readmitted into membership a former enemy state—Italy. Here is a twentieth century tool of great effectiveness for peace, whose energy could be employed on a constructive program against common impersonal enemies. In developing its process of working, new patterns of thinking and common understanding would be crystallized into custom and habit. If it should become an agency of the United Nations, it would bring to our peace objective vast manpower for production, trade, and reconstruction. It might contribute to industrial peace a mode of relations between employer and employee that would reduce work-stoppages which endanger the chances of winning the peace, just as lost man-hours endanger success in the battles of war.

Another illustration of positive operation of United Nations machinery in common enterprises is the Food and Agriculture Organization, consisting of 42 member states. This is a world organization for pooling the best knowledge and experience relating to nutrition, agricultural production, and marketing, and the best use of farm, fishery, and forestry resources. It is strictly a fact-finding and advisory body. It does not put

into effect any of its recommendations. This approach, unspectacular though it be, implements one of our specific peace goals.

The work of the Food and Agriculture Organization is designed to be integrated with that of the United Nations Economic and Social Council. It can, without loss of identity, constitute a part of the United Nations.

May I here quote from the report of the Committee on Foreign Relations, filed in the Senate by me June 11, 1945:

"No lasting peace is possible until the nations of the world work together successfully to reduce the underlying social and economic causes of aggression and war, or, if possible, to remove them entirely. The prosperity of this country, as well as the peace of the world, is at stake. Without economic collaboration and improved levels of living and of production throughout the world, or at least in most of it, the maintenance and improvement of production and levels of living in the United States will be impossible. We cannot hope to have prosperity in this country if the other countries are sunk in depression.

"The proposed Food and Agriculture Organization, by providing the nations of the world a new means of working together to improve the efficiency of food and agriculture production, and distribution, the living conditions of food and agriculture producers, and the levels of consumption of users of those products, can make a great contribution to world security in an important economic sphere."

Definitely, one peace goal is to give the power of active public opinion to this common enterprise.

Another good habit-forming exercise should have positive stimulation; namely, the system of consultation consolidated by the Act of Chapultepec. The 21 republics of the Western Hemisphere constituting the Pan American Union are also members of the United Nations.

The Final Act of the Inter-American Conference on Problems of War and Peace at Mexico City, in February and March, 1945, comprehended juridical, economic, social, political, and security programs designed to preserve the independence and dignity of each member state, and to provide for determination of controversies which might arise among them. At that time, before the Charter had been formulated, the regional organization

could initiate the ultimate sanction of military force in the event of a threat or act of aggression.

The Act of Chapultepec, which provided especially for reciprocal assistance and American solidarity, was so designed that it must conform to the principles and policies of the United Nations Charter subsequently to be adopted. Within the letter and spirit of the Charter which we celebrate, this benevolent organization of American republics is striving to carry into effect article 52 of the Charter, namely:

"The Members of the United Nations entering into such arrangements or constituting such agencies shall make every effort to achieve pacific settlement of local disputes through such regional arrangements or by such regional agencies before referring them to the Security Council.

"The Security Council shall encourage the development of pacific settlement of local disputes through such regional arrangements or by such regional agencies either on the initiative of the states concerned or by reference from the Security Council."

The effect of the ratification of the Charter upon the Act of Chapultepec was principally to take away from the Union of American Republics the right of regional enforcement action without the previous authorization of the Security Council.

Thus, a threat of aggression may not now be met without first obtaining direction of the Security Council.

However, it left to the regional organization two extremely important functions:

1st. The right and the duty to consult among themselves in order to agree upon the measures that may be advisable to take;

2d. The inherent right of individual or collective self-defense if an armed attack should occur against a member of the United Nations, until the Security Council has taken the measures necessary to maintain international peace and security.

The system of consultation has developed in the Western Hemisphere during the past 56 years, and has gradually become a substitute for the use of armed force.

During the past year, the harmony of the Western Hemisphere has been disturbed, but no war has occurred, and none will occur.

The situation calls for the exercise of great wisdom, poise, patience, and consideration of all the various points of view. Here is an opportunity to strengthen the habit of collaboration and achieve both restoration of harmony in this hemisphere, and the strengthening of the machinery of the United Nations.

Other illustrations of goals and of public participation are the high points advanced by speakers today covering eight areas. They avoid generalities and advance highly significant and realizable objectives. Categorically, they are—

Expansion of trade and employment.

Reconstruction and development.

Human rights—freedom of information and education.

Health and social welfare.

Peaceful settlements.

United military defense.

Atomic energy—control and utilization.

Trusteeship and self-government for dependent areas.

Consideration of your time impels me to omit discussion of these goals now, notwithstanding that these, too, are objectives which the nations might practically achieve together before some world leader announces them as war goals.

Our best hope for preventing war is international collaboration on positive goals:

(1) Developing large-scale plans to which each country can contribute in terms of its ability—really investing the peaceful struggles in a co-operative program as we did in the violent struggle. The way to stay united is to get busy on common enterprises that we can agree on.

(2) Concentrating the forces and facilities we have on specific objectives that we feel confident we can take within a reasonable time—and then to apply the principles of logistics to make an effective and concerted drive. Resolutions and recommendations on principles and purposes are not enough; we must be very specific on exactly what each country can do in a plan of combined operations, organize task forces, pool resources, bring the experts and organizers of the various countries together for united effort to get things done. People can't act unless they see clearly where we are headed and what is required of them.

(3) By doing important things together at a few strategic points we will gain strength and

build up morale in the peaceful struggles as we did in the war. Only by taking next steps with precision and determination will people learn to win the final victory over the impersonal enemies of mankind. There is danger in dissipating our forces on too many fronts, trying to lick tough problems with phrases and speeches. Acting together is the purpose of talking things over together. Start with the goals we most universally agree on and thus create a pattern of common action to move forward in the more controversial areas.

(4) Behind whatever programs we agree on must be a popular will and determination to risk and sacrifice and persist.

In the war we were very specific; we said we had to use inland shipping facilities to rush war materials to ports and to bring up troops; and this meant saving fuel, dim-outs, getting people to do specific things to help reach the goal. The same kind of specific thinking and planning is needed for peace goals. They have to be the accepted goals of the people—not only our people but the people of the other cooperating nations. And the people have to understand clearly why such goals are given priority attention, what it will take to realize them, what others are prepared to do and are doing.

Now that the United Nations machinery is set up, we and all the other United Nations peoples have to make up our minds what we want to accomplish with it and in what order—putting first things first. This is a challenge to all the citizen groups that have taken such an active interest in American participation in the United Nations. We're now ready to participate—to do something. What? And how? This is a challenge to the writers and broadcasters and film makers; to make the goals of peace as vivid and as urgent as the goals in the war.

Let's talk about the real things we want to do, and spend less time speculating about whether there'll be another war and what this nation or that politician may be maneuvering for.

We need a vast educational program to make the possibilities of peace goals understood and to help people to understand what they can do to cooperate.

So, this is an invitation on the first anniversary of the signing of the Charter for public participation in the setting of peace goals and the task of organizing collaboration of the nations to achieve the goals agreed upon.

Henry James talked about the moral equivalent for war. He thought it involved mobilizing people for common struggle against the common impersonal enemies. If once they could get the exhilaration of planning campaigns against disease and hunger, of collaborating in vast projects of construction and development, they might bring to bear on constructive programs all of the forces they expend in the fury of destructive warfare. In the process of working and planning together they might develop new patterns of thinking and come to understand each other.

For centuries men fought to take things away from each other in a world of low productivity and to collect tribute from the conquered. In the twentieth century the wars are started by organizers who claim they want to introduce new orders. They gain their dynamic from an appeal to the sense of national superiority. Behind all this is a powerful drive toward applying the science and "know-how" of our times, and breaking down the interfering barriers that frustrate large-scale organization and exchange. Either we do by agreement and free collaboration through the United Nations what we know is possible to give peoples everywhere opportunity to fashion their futures with twentieth-century tools, or we confront the almost inevitable task of resisting in war the attempt of another set of strong men to impose order and to organize the world as a whole.

Peace goals, then, are those objectives which the nations might practically achieve together before some world leader announces them as war goals.

We in the United States assert the belief that we can do cooperatively and by agreement what must somehow be done—that we can peacefully apply what science has taught us—that we can find ways of releasing and organizing the productive and creative powers of people on a world-wide basis through the processes of democracy. To make good on this belief, we must move quickly to collaborate with other free peoples on a program of action through the machinery of the United Nations.

India on the Threshold

Article by RAY L. THURSTON¹

VERY LITTLE has been written about India from an American point of view. Too often we are inclined to look upon that great country through the eyes and prejudices of the present protagonists in the struggle there for power. If there is a well-considered, long-run American perspective toward India, we should start thinking in these American terms and avoid the clichés and stereotypes that have long prevented a constructive approach on our part to the Indian problem. It is time that we approach the subject of India with a sense of purpose and direction, for India today is on the threshold of a new era—an era of momentous political, economic, and social change.

It is customary to characterize the Orient as "placid" and "changeless". As applied to rural India these descriptions still have a degree of validity. But when we turn to the great cities of India we find the normal laws of social dynamics in full operation. In Bombay, for example, Hindus of different castes work side by side in the textile mills and endeavor to fight for a common cause through their trade unions. In the same city capitalists, managers, and their white-collared subordinates have begun to emerge as a middle class. Around the University of Bombay and its numerous colleges and libraries there has developed an intelligentsia. All three groups are extremely sensitive to the impact of Western culture and technology; at the same time they are becoming increasingly conscious of their national identity as Indians. Out of this cross fertilization, which is going on throughout the urban centers, will be born a revitalized India.

What does a revitalized India mean to us as Americans? How will the United States be affected by the emergence as a full member of the family of nations of this far-away country hitherto

popularly cataloged as a land of cobras and elephants and esoteric religions? India, one may say, is figuratively "out of this world," so why should we concern ourselves with the Hindu-Muslim question and the activities and programs of Mr. Gandhi and Mr. Jinnah?

That is a valid question and one that must be answered if the American public is to appraise intelligently the significance of India's achievement of full stature.

As is generally known, there are 400,000,000 Indians—that is, one out of five human beings is an Indian. This great concentration of population is only three days from New York by air. In this bold new world of skyways, India and America are neighbors. Neighbors usually find that they have common interests and problems, and they get acquainted with one another.

As a matter of fact Americans and Indians have been influencing each other for many years. In the nineteenth century Ralph Waldo Emerson and some of his literary associates were strongly influenced by Hindu philosophy. By a curious twist of linguistic reference certain social strata in New England have become known as the "Boston Brahmins".

American missionaries who have long been in India have made a deep impression on the Indian scene through their humanitarian efforts. They have established schools, experimental farms, and hospitals far from the amenities and conveniences of the port cities. The story of Christianity in India is a fascinating chapter among the many religious chapters of Indian history. Students of Indian history point out that over the centuries a strong tradition of religious tolerance has persisted in India. Certainly it is true that in no other country do so many large religious communities live side by side: Hindus, Muslims, Sikhs, Christians, and Parsees, to name the leading ones.

The religions of India represent an aspect of

¹ Mr. Thurston is a Foreign Service officer in the Division of Middle Eastern Affairs, Office of Middle Eastern and African Affairs, Department of State.

Indian life with which many Americans are familiar. Not so well known are the economic ties that have long linked our country with India. The American economy is usually considered self-sufficient, but our industry and commerce would find it difficult indeed to operate without the gunny sack made of Indian jute; without the manganese, mineral sands, and mica that are imported from India in large quantities each year; and without some of the Indian short-staple cotton that, curiously enough, our textile manufacturers require in addition to large supplies of domestic cotton.

Our leather industry looks to the Indian ports of Karachi and Bombay for fine quality hides and skins, and carpet wool is also exported in considerable quantity to America from these ports. The largest American manufacturer of musical records imported in one year almost one half the Indian shellac output. India provides the tasty cashew nut, tea, and many of our table spices. The products of Indian soil and of Indian labor enter both our factories and our homes.

Turning to the other side of the ledger, we discover that Indians have been buying our automobiles, typewriters, electrical equipment and appliances, chemicals, drugs and medicines, machinery, and—not least—our Hollywood films. To sell their products in the Indian market, American business houses have established agencies in the more important Indian cities, and a number of American firms keep American businessmen in India as resident salesmen. In India American firms carry on banking activities, assemble automobiles, manufacture tires, and engage in a large-scale petroleum business.

For some time, then, American relations with India have been important, but World War II has quickened in many ways the tempo and the significance of this relation.

The enhanced position of India, arising from its use as an important supply base for the war against the Axis, led, shortly before Pearl Harbor, to the inauguration of direct diplomatic relations between the Governments of the United States and India. In Washington the Indian Agent-General is in daily touch with the Department of State, and the American Commissioner in New Delhi has frequent occasion to take up important matters with the Indian Department of External Affairs. It is anticipated that these direct relations will expand in scope and significance in the years immediately ahead.

The outbreak of war with Japan, it will be recalled, was followed quickly by the Japanese conquest of Burma, which had been until that time the only supply route to the besieged Chinese nation. In 1942 it appeared possible that India might become the meeting point of the Japanese and German forces. India suddenly leaped into prominence as one of the most strategic areas in the war picture. General Brereton and a few heroic airmen arrived from Java to set up the U. S. 10th Air Force with headquarters at New Delhi; General Wheeler was ordered from Baghdad to India to lay the groundwork for a military supply operation in China, Burma, and India; the Air Transport Command began operating a regular service to Karachi and thence "over the hump" to China.

First came the generals and their staff colonels and majors, then the G.I.'s—by the thousands. India had known the American missionary with his dedicated purpose; the resourceful and energetic American businessman; and the wealthy American tourist. Now India met the ordinary G.I., the ambling, joke-cracking, open-handed, friendly American, and liked him. Although cultural differences were great, real friendships grew out of the presence on Indian soil of these many thousands of American young men.

The arrival of American troops coincided with a political and economic crisis in India. Dr. Henry Grady with a group of American technical experts came to India to survey the possibilities of improving Indian production for the war effort. President Roosevelt sent Colonel Louis Johnson and, later, William Phillips to New Delhi as his personal representatives to keep abreast of the acute political situation. The Office of War Information came on the scene to tell the Indian people why the United States was fighting the war. Lend-lease and procurement activities of the United States in India brought many other Americans to that country. The net result of these developments was a great upsurge in Indian interest in things American, an interest which, if genuinely reciprocated, will lead to the cementing of an enduring cooperation and friendship between the two countries.

It has already been mentioned that an Indian Agency General was established in Washington in the latter part of 1941. Somewhat later, an India Supply Mission, staffed principally by Indians, was instituted at Washington to coordinate lend-lease and procurement questions. Despite

MACHINERY AND PROCEDURE TO FORM

BRITISH INDIA PROVINCES

PROVINCIAL LEGISLATIVE ASSEMBLIES

U N I O N

C O N S T I T U T I O N

PROVINCIAL ASSEMBLIES

elect the following numbers of Representatives, each part (General, Muslim or Sikh) electing its own by a method of proportional representation with a single transferable vote.

	GENERAL	MUSLIM	SIKHS	TOTAL
MADRAS	45	4		49
BOMBAY	19	2		21
UNITED PROVINCES	47	8		55
BIHAR	31	5		36
CENTRAL PROVINCES	16	1		17
ORISSA	9			9
PUNJAB	8	16	4	28
N. W. FRONTIER		3		3
SIND	1	3		4
BENGAL	27	33		60
ASSAM	7	3		10

SECTION A			
167	20		187

PLUS

Member from Delhi in central legislative assen.
Member from Ajmer Merwara in cent. leg. assen.
1 rep. elected by Coorg legislative council.

SECTION B			
9	22	4	35

PLUS

1 Rep. from British Baluchistan

SECTION C			
34	36		70

INDIAN STATES

WESTERN INDIA STATES

RAJPUTANA

CENTRAL INDIA

GWALIOR

EASTERN STATES

HYDERABAD

MYSORE

MADRAS STATES

PUNJAB

JAMMU & KASHMIR

ASSAM STATES

SIKKIM, etc.

THE INDIAN STATES SET UP
NEGOTIATING COMMITTEE ON
REPRESENTATION, ETC.

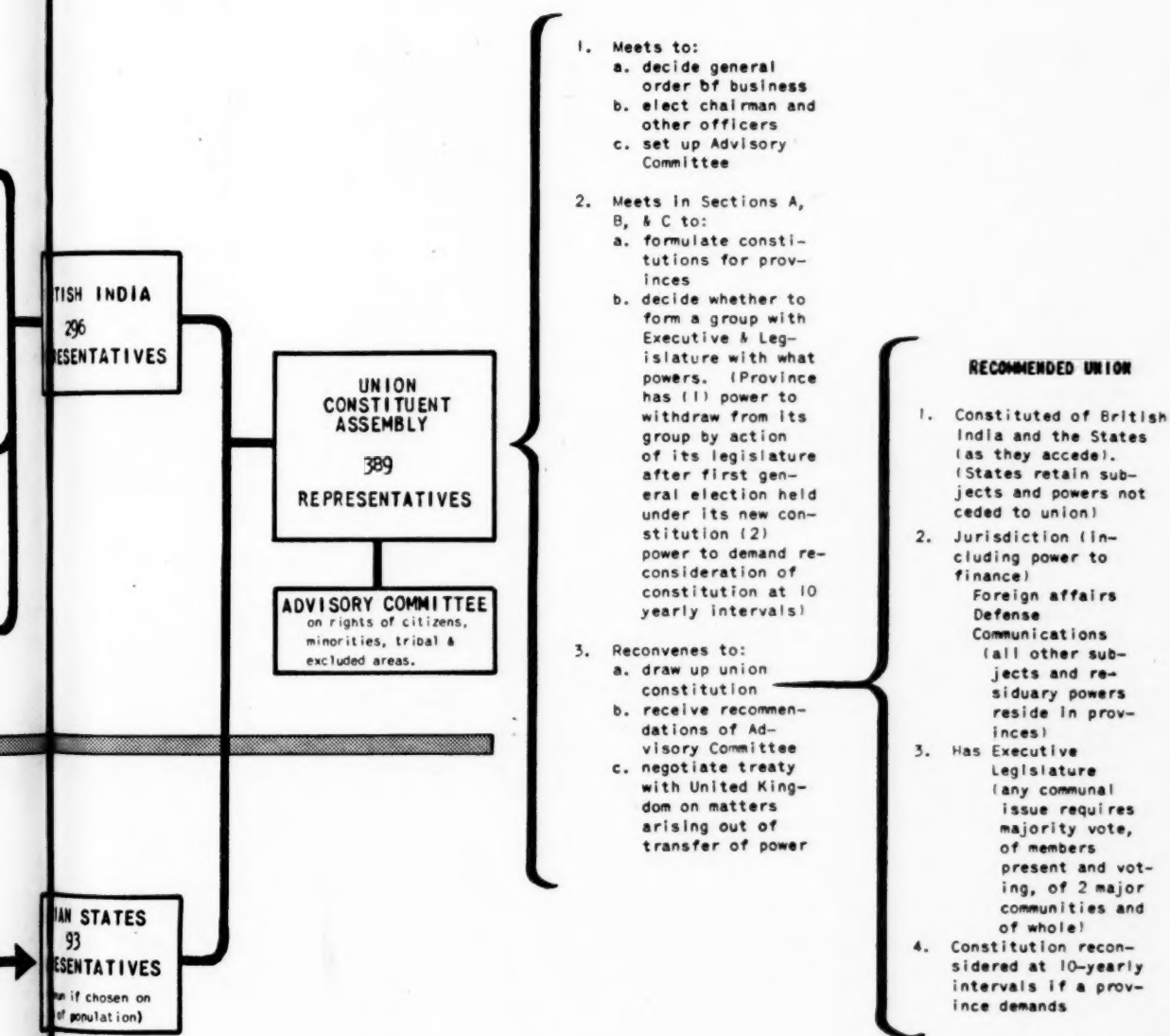


IAN ST
93
RESENTA
men if ch
of popul

IN 21st
4-82
1-18-4

FORMULATE NEW CONSTITUTION OF INDIA

CONSTITUENT ASSEMBLY



Note: Any change in proposals or recommendations for Union Constitution, or any communal issue, requires majority vote of representatives present and voting of each of the two major communities of Union Constituent Assembly. Chairman decides, with advice of Federal Court if requested by majority of either community, whether issue is communal.

the difficult transportation problem a number of Indian students and businessmen came to America during the war. There were, as well, very articulate delegations at the International Business Conference at Rye, N.Y., and at Bretton Woods. In December 1944, Dr. J. M. Kumarappa, Director of the Tata Institute of Social Sciences at Bombay and the first Indian ever to be invited to the United States as the official guest of the State Department, arrived in this country to make a survey of American progress in the various fields of practical social work including the care of physically and mentally handicapped persons.

Although it is obvious that the war years brought America and India closer together, the pattern of our future relations remains to be described.

One strong tendency in India which interests Americans is the importance which both the Government of India and the various political parties attach to ambitious programs for the industrial and agricultural development of the country. India looks to America as an important source for the capital equipment and the technical assistance that must be provided if Indian plans are to be carried out. To the economist it is obvious that India must have a balanced economy—a better balance between agriculture and industry than now exists, if there is to be a steadily rising standard of living in that country. It is only a steadily rising standard of living that will act as a sociological check on the rapid increase in the population of India and the resultant poverty in the present economic environment. A generally higher standard of living for India will create an effective demand for commodities from abroad far in excess of that which prevails now, even though certain articles now imported into India would eventually be replaced by Indian manufacturers. The United States, as one of the technologically advanced nations of the world, would certainly be able to export an increasing quantity of its products to an expanding Indian market, thereby helping to maintain high production and employment levels in this country.

It is, therefore, in our own interest to do what we can to help the Indians with their projected industrial plans, as well as to give all possible assistance in connection with their agricultural problems. At the present time about 200 Indian students are enrolled in American universities for

scientific and technical training under an official program for Indian industrialization. Several hundred additional students will come during the next year. A leading American firm of engineering consultants has recently been selected by the Government of India to advise it with respect to industrial plans. American technical experts are much in demand in India now to advise on such matters as irrigation, highway construction, and soil erosion, and we shall receive requests for technical assistance from India for many years to come, provided we continue to base our policy toward India on the principles of mutual respect, friendship, and cooperation.

It is to be hoped, however, that our relations with India will not be characterized only by considerations of mutual economic benefits. The educated Indian is culturally sensitive and remarkably acute in psychological and philosophical perception. It would be well to encourage a greater interchange of ideas and information between India and America. This interchange will be stimulated by the Office of International Information and Cultural Affairs in the State Department, which is actively working to promote more intimate relations between American scholars, scientists, and professional groups and similar elements in other countries, including India. One of the most popular actions of the United States Government in India was the opening in 1944 of an information library in Bombay. This library, which contains more than 3,000 well-selected books on all aspects of American life, is always crowded.

From a long-run point of view there are several basic factors favorable to the strengthening of our friendly relations with India. One factor is linguistic. The educated Indian has an excellent command of English, but Americans have been slow in acquiring fluency in tongues other than their own. Another favorable factor is the rough similarity between India and the United States in terms of size, variety of climates and regions, and diverse ethnic stocks. This similarity makes a comparison of notes on agricultural and industrial problems profitable and also produces a parallelism in the field of constitutional and legal affairs.

It was asserted at the outset that India is on the threshold of momentous political change. It is not intended here to attempt a detailed account of political conditions in India or to make predictions regarding them. Although the post-war period

in India has been characterized by public unrest and sporadic violence, it must be recognized that such phenomena are the inevitable accompaniment of political transition. The fact is that considerable political progress has been made in the past year. Popularly elected governments have once again taken control of provincial affairs. The rulers of Indian states have declared their willingness to cooperate in the building of the new India. Most important of all, the British Cabinet Mission now leaving India after three months of negotiation with political leaders has succeeded in obtaining the adherence of the Congress and the Muslim League to a plan under which a new constitution for a completely self-governing India will be formulated. The plan envisages an Indian Union with a central government having jurisdiction over defense, foreign affairs, and communications, residual powers being vested in the provinces and princely states. It is anticipated that the constituent assembly will convene in New Delhi in the very near future.

Although the Cabinet Mission failed to bring the two main political parties together in an interim cabinet to govern India while the constitution-making is in progress, it has emphasized that the present Government of India is to be considered as only a "caretaker" regime. Under the circumstances there is little doubt that this "caretaker" government will be extremely sensitive to Indian

public opinion as expressed by representative political leaders.

As Americans we are all interested in an early and amicable political settlement in India. On January 29, 1945 the American official view was expressed in a press conference by the then Acting Secretary of State Joseph Grew, who said that the American Government had continued to follow with sympathetic interest developments in the Indian question and that it was naturally hopeful that progress would be made in this difficult matter and that it would be happy to contribute in any appropriate manner to the achievement of a satisfactory settlement. He added that this Government had close ties of friendship both with the British and with the people of India and that these ties had been strengthened by our common participation in the war effort.

We as Americans should rightly be interested in the future of India. One thing is certain: India will keep and develop for her own use the scientific and industrial apparatus of the West. Even should we be so disposed, it is too late to turn the clock back. Only by accepting the heavy responsibility of fostering in every possible way the growth of friendly cooperation and tolerance between India and ourselves, based on an intelligent understanding and appreciation of our mutual interests, can we meet the challenge represented by the emergence of this new power in Asia.

Progress Made by the Economic and Social Council

*Statement by THE U. S. REPRESENTATIVE*¹

The first meeting of the Economic and Social Council in the United States was necessarily organizational. The Council's only previous meeting was a brief session in London when it was brought into existence. I believe substantial progress has been made at this session toward making it possible for the Council, its commissions, and its related agencies to embark before the end of this year on a comprehensive program toward carrying out the economic and social objectives of the United Nations Charter.

Four weeks spent on organizational problems at a time when human misery is so widespread and human need so pressing has been a difficult and at times discouraging discipline. But this Council is the nearest thing the world has yet achieved to a combined Chiefs of Staff in the economic and social field, and staff coordination and organization are just as essential to the successful launching of a long-range campaign for peace as they are in a military campaign.

Two of the most urgent tasks before us are the reconstruction of devastated areas and the repatriation or resettlement of hundreds of thousands of men, women, and children who were driven from their homes by oppression and war and will still be homeless when UNRRA ends next year. The world cannot be restored to economic health until substantial progress has been made on both these tasks. On both of them, despite some sharp differences of opinion as to methods, the Council has now taken the first steps. It has voted to establish an International Refugee Organization

to take up where UNRRA will leave off. A draft constitution has been approved for circulation to all members of the United Nations so that it can be put into final form and ready for signature during the Assembly meeting in September. In the case of the United States, it will have to be accepted by Congress in the same way as the International Bank and Fund and the other specialized agencies. Some other countries will have to go through similar legislative steps. The United States, however, will do everything in its power toward bringing the new refugee organization into existence by the end of this year. Entirely aside from its humanitarian aspects, the presence in and out of camps of large numbers of refugees and displaced persons will be a continuing source of political friction until they can be returned to their homes or resettled.

In the field of reconstruction the Council has established a Temporary Subcommission on Economic Reconstruction of Devastated Areas which will divide itself into two working teams, one for Europe and one for the Far East. They will survey the needs of all devastated countries except Germany and Japan this summer. The United States felt it was essential that this survey include the ex-satellite countries, since the chances for a speedy economic recovery of many of our wartime allies is so much affected by conditions in neighboring areas. The Council accepted this point of view.

When this Subcommission has done its work the Council and its Economic and Employment Commission will then have the necessary facts at their disposal to work out and recommend to the nations a coordinated and practical program for reconstruction.

¹Made by John G. Winant, U.S. Representative on the Economic and Social Council, on June 24, 1946 and released to the press by the U.S. Delegation to the United Nations on the same date.

International cooperation in health is another field of activity which has both urgent and long-range problems. Recognizing the danger of widespread epidemics resulting from the dislocations and hardships of the war and the present period of readjustment, the Council called an International Health Conference to establish as quickly as possible a World Health Organization. This conference has already begun its meetings here in New York.

Responding to requests from the Food and Agriculture Organization and the newly established International Emergency Food Council, the Secretary-General has been authorized to offer the full assistance and cooperation of the United Nations Secretariat in working on the critical food shortage.

The Council also made important progress in organizing its work for the main objectives assigned to it by the United Nations Charter.

It approved reports of its six nuclear Commissions, which makes possible their establishment on a full working basis at the next session of the Council. These Commissions are the working teams of the Council. The United States is eager to see them fully manned and operating at the earliest possible date.

The report of the Commission on Human Rights, as it was finally adopted by unanimous vote, included provisions particularly desired by the United States.

One of these was a recommendation that human rights provisions be written into future international treaties, and particularly into the peace treaties. We do not want to permit future regimes in the ex-enemy states to violate basic human rights as was done by the Nazis and Fascists.

A second important recommendation was the unanimous agreement to authorize the Commission on Human Rights to establish a Subcommission on Freedom of Information, as proposed by the United States. At the suggestion of the Soviet Union, the Council also voted to authorize establishment of Subcommissions on the Protection of Minorities and the Prevention of Discrimination. The United States supported the establishment of these Subcommissions. The world is still a long way from the universal respect for human rights and fundamental freedoms to which the Charter pledges all the member states, and it was impor-

tant that an effective beginning be made without delay.

A third important recommendation in the field of human rights strongly supported by the United States was to create a full Commission on the Status of Women to replace the present Subcommission.

By another major decision the Council organized the Economic and Employment Commission. It will be the Council's chief adviser on coordinating international action for the achievement and maintenance of full employment with higher standards of living. An International Trade Conference, authorized by the Council, will meet in London in October.

The Council must have the facts and figures on which to base sound recommendations for international economic and social action. It approved proposals of its Statistical Commission which will make possible for the first time development of reliable world statistics and the drawing up of a world economic balance sheet as a basis for action.

In the field of communications and transport the Council took an important step that also has its bearing on the development of freedom of information by endorsing a world telecommunications conference. The United States has already taken the first steps toward calling this conference to meet in this country. Machinery was also set in motion to bring the Provisional International Civil Aviation Organization and the Universal Postal Union into relationship with the Council and to examine the question of establishing an international shipping organization on technical matters. We have, in fact, worked out a general pattern of cooperation in international transport and communications.

Most of the basic executive functions of the United Nations in economic and social cooperation will be performed by specialized agencies which are based on separate intergovernmental agreements. We therefore completed arrangements to coordinate the work of the Council with that of the International Labor Office, the Food and Agriculture Organization, and the United Nations Educational, Scientific and Cultural Organization. Similar action will be taken with respect to the International Bank and the Monetary Fund at the next session of the Council which meets at the end of August.

The Economic and Social Council deals with matters that affect individual human beings. Its

successes and its failures will have a bearing on the security a man has in his job, and his old age, on the kind of housing and food and clothing and medical care he can provide for his wife and children, on the educational opportunities that will be open to his children and on the opportunities for advancement that will be open to himself. It is of great importance, therefore, that the Council keep in touch with the peoples of the world, not only through governments, but also through the many non-governmental organizations through which people make their desires known and their opinions felt.

The Council, after close examination and extended debate, approved a plan by which this direct contact can be carried out on a democratic basis. Special arrangements were made to permit organizations of labor, of management and busi-

ness, of farmers and consumers to join in the work of the Council and its Commissions. Provision also was made for seeking the advice and securing the help of other non-governmental organizations.

Disagreements always make news and the Council has had its share of them during the session just ended. I think, however, that from the long-range point of view it is significant for the future of the Economic and Social Council's work that so much agreement was reached in four weeks of discussion among representatives of nations with such wide differences in history, culture, race, religion, and economic and social systems.

We have already moved forward by patient and persistent negotiation. This experience of working together and finding agreement on specific problems is providing the basis for the world we seek to build.

International Organizations and Conferences

Calendar of Meetings

Council of Foreign Ministers:		
Meeting of Foreign Ministers	Paris	June 15
Meeting of Deputies	Paris	May 27—temporarily adjourned
Far Eastern Commission	Washington	February 26
Allied-Swedish Negotiations for German External Assets	Washington	May 31
Inter-American Conference of Experts on Copyright	Washington	June 1-June 22
Proposed International Emergency Food Council	Washington	June 20
U. S.-Mexican Discussions on Air Services Agreement	Mexico City	June 24
International Institute of Agriculture:		
Meeting of the General Assembly	Rome	July 8
Caribbean Commission	Washington	July 8-14
Conference on German-Owned Patents Outside Germany	London	July 10
International Meeting of the Sugar Council	London	July 15
International Council of Scientific Unions: Meeting of the General Assembly	London	July 24-27
International Union of Geodesy and Geophysics: Extraordinary General Assembly	Cambridge, England	July 29
The United Nations:		
Security Council	New York	March 25
Military Staff Committee	New York	March 25
Economic and Social Council	New York	May 25
Commission on Atomic Energy	New York	June 14
International Health Conference	New York	June 19
UNESCO: Preparatory Commission	London	July 5-13
General Assembly: Second Part of First Session	New York	September 3

The dates in the calendar are as of June 30.

Activities and Developments

Inter-American Copyright Convention Signed¹

Representatives of the American Republics meeting in conference at the Pan American Union signed on June 22 an inter-American convention on copyright protection. The conference had been in session since June 1 and was convened by the Governing Board of the Pan American Union pursuant to a resolution of the Eighth International Conference of American States held at Lima, Peru.

The convention recognizes the exclusive right of an author of a literary, scientific, and artistic work to use and transfer his work in any manner, and to transmit it by will or by operation of intestate laws.

The works of a literary, scientific, and artistic nature covered by the convention include books and

¹ Released to the press by the Pan American Union June 22.

pamphlets; written or recorded versions of lectures, addresses and sermons; dramatic or dramatico-musical works; choreographic works and pantomimes; musical compositions; drawings, illustrations, paintings, sculptures, engravings, lithographs; photographic and cinematographic works; globes, maps, plans, and sketches or plastic works relating to geography, geology, topography, architecture, or any science.

Translations, adaptations or other versions of literary, scientific and artistic works, including photographic and cinematographic adaptations, are protected as original works.

Articles on current events in newspapers and magazines may, by the terms of the convention, be reproduced by the press unless such reproduction is prohibited by a specific or general reservation. The convention does not give protection to the factual contents of news published in newspapers.

The duration of copyright protection is governed by the law of the country in which protection was originally obtained, but it may not exceed the duration fixed by the law of the country in which protection is claimed.

Copyright protection obtained in one state shall automatically be granted protection in the other states, without the necessity of registration, deposit, or other formality. To facilitate the utilization of literary, scientific, and artistic works,

the contracting states agree to encourage the use on such works of the expression "Copyright" or its abbreviation "Copr." or the letter "C" enclosed within a circle, followed by the year in which protection begins, the name and address of the copyright owner, and the place of origin of the work.

In disposing of his copyright by sale, assignment, or otherwise, the author, by the terms of Article 11 of the convention, retains the right to claim the paternity of the work and to oppose any modification or use of it prejudicial to his reputation as an author, unless he consents to waive this right in accordance with the law of the country in which the contract is made.

The new convention, which is subject to ratification by the signatory states, replaces the 1910 convention of Buenos Aires and the revision signed at Habana in 1928, and all earlier inter-American conventions on copyright, but does not affect rights acquired under these conventions.

The conference also adopted a number of supplementary resolutions, including provision for periodic meetings of registrars of copyrights of the several countries, and the exchange among all the countries of copyright information, including official lists in card or book form of copyrighted works, assignments thereof, and licenses for their use.

Record of the Week

Contribution of U.S. in Meeting World Food Needs

STATEMENT BY THE PRESIDENT

[Released to the press by the White House June 27]

The impressive record made by the United States in shipping food grains abroad for famine relief is shown in a report I have just received from John W. Snyder, former Director of War Mobilization and Reconversion and now Secretary of the Treasury.

In six months, this country has shipped over 5,500,000 tons of bread grains to help feed the hungry people of other lands. In another three weeks, we shall have met our half-year goal of 6,000,000 tons.

The very fact that housewives today often find it hard to buy a loaf of bread is evidence of the success of our famine emergency program. The loaf of bread and the bag of flour that they don't buy mean that much more for hungry children abroad.

The good record we have made is due to the splendid cooperation of Americans in conserving bread at home and in public eating places, the remarkable production by American farmers, the unstinting cooperation of millers and bakers, and the united efforts of the Famine Emergency Committee and the various agencies of our Government.

But the crisis is not over. It will not be over when we reach our half-year goal. Cooperation and determined effort by the public—by each one of us—must be continued during the coming months of hunger abroad.

Soon after July 1, I will receive from the Secretary of Agriculture final figures not only on food grains but on the entire contribution of the United States toward meeting world food needs during the last full year.

A REPORT TO THE PRESIDENT BY JOHN W. SNYDER

June 26, 1946.

The United States will fully meet its half-year goal of 6,000,000 tons of food grains for famine relief throughout the world, but final shipments to complete the total will not leave our ports until after the first of July.

By the end of June, an estimated total of 5,500,500 long tons of food grains will have been sent abroad since January 1. The remainder of the 6,000,000 total goal is already in possession of the Government, much of it on the way to ports or at ports ready for loading. The high rate of export shipments which has been reached in June will be continued until the full goal is reached—probably before the middle of July.

The shipments already made and those to be made by the end of June include 5,077,500 long tons of wheat and flour (in wheat equivalent), and 423,000 tons of corn and corn products especially assigned for export under the Corn Bonus Plan.

In addition, but not counted as a part of the 6,000,000-ton goal, there has been sent abroad since January 1 a total of 294,500 long tons of other grains—oats, rye, barley, and corn shipped before the special bonus corn was procured for famine relief.

Only those grains which will have actually left port by June 30 are included as shipments; not included is grain now in elevators, en route to port or at the port for loading after June 30.

As soon as the total actual June shipments are known, the subcommittee on grain of the Inter-Departmental Committee on Transportation will be able to determine the exact date in July on which the United States goal of 6,000,000 tons of bread grains for famine relief can be reached.

The committee, established by the Office of War Mobilization and Reconversion last January, has performed an outstanding job in solving problems impeding the shipment of grain.

The record of over 5,500,000 tons of bread grains in the first half of this year is a tremendous one, of which the Government and the people can be proud.

Not only have the people of our country cooperated by reducing their own consumption of wheat and other bread grains. The agencies of Government have helped achieve this export record by combined and diligent effort. These agencies include the Department of Agriculture, which procured the wheat and other grains, the Office of Defense Transportation, which got it to ports, and the War Shipping Administration, which made the vessels available to take it abroad.

The Famine Emergency Committee has been of invaluable assistance at every stage of the program, and much of the credit for its success is due to the work of Mr. Chester Davis, the chairman of the committee, and Mr. Herbert Hoover, the Honorary Chairman.

In meeting the goal, there were many obstacles to overcome—including time. Not only did we have to reapportion our total grain supply in order to share more liberally with the peoples abroad, but it was necessary to procure bagging and containers, which are short, to work out a timetable to facilitate transportation of the grain to ports, and finally to load it as expeditiously as possible,

so as to make the best use of all our transportation facilities. The Office of Defense Transportation and the War Shipping Administration, as well as the other agencies concerned, have done a remarkable job in this respect.

Through their efforts and those of the Secretary of Agriculture, under whose direction the procurement program was so successfully managed, we have been able in the past crop year to ship through our ports a record amount of U.S. wheat and flour. The June shipments of U.S. bread grains are the highest on record.

The July shipments necessary to reach the 6,000,000-ton goal, and representing slightly more than 8 percent of the total, will not be deducted from the 250,000,000 bushels of grain which are scheduled for export during the crop year beginning July 1, but will be *in addition* to that goal.

The Secretary of Agriculture has wisely laid plans to continue the acquisition of wheat from the new 1946 crop, since world needs will still be great for many months to come. Americans must continue to conserve wheat, fats, and oils in order to share our plenty with those who are starving.

The following table of shipments compiled by the subcommittee on grain of the Inter-Departmental Committee on Transportation shows the record by month and by grain categories:

S U M M A R Y

GRAIN AND FLOUR SHIPMENTS—January 1 to June 30, 1946

(Figures in thousands, long-weight tons)

	Jan.	Feb.	Mar.	Apr.	Est. May	Est. June	Total
Wheat	809.5	528.0	671.1	457.7	303.0	700.0	3,469.3
Flour (Wheat equivalent).	306.0	291.1	248.5	242.9	219.7	300.0	1,608.2
Total	1,115.5	819.1	919.6	700.6	522.7	1,000.0	5,077.5
Shipping from stocks accumulated under							
Corn Bonus Plan:							
Corn					63.0	300.0	363.0
Corn Products (Grain equivalent)						60.0	60.0
Total							423.0
Total corn and wheat Jan. 1 to							
June 30							5,500.5
Other grain—not including grain products:							
Corn	5.4	9.8	12.2	2.3			29.7
Rye	11.9	9.0	10.5	38.2			69.6
Barley	2.8	.1	5.9	4.0			12.8
Oats	40.9	76.7	26.5	38.3			182.4
Total	61.0	95.6	55.1	82.8			294.5

4 Months
Only

Financing of International Reconstruction

STATEMENT BY THE PRESIDENT

[Released to the press by the White House June 26]

I have appointed a committee of industrialists and bankers to make a report and recommendation on the financing of international reconstruction. They will work closely with the National Advisory Council, which has the duty of formulating our national policy on foreign lending.

I have appointed this committee of citizens of knowledge and experience because our foreign trade, export and import, must in the long run be privately handled and privately financed if it is to serve well this country and world economy.

It is true that, for the immediate present, governmental help is needed in order to get our foreign trade under way. But I am anxious that there shall be the fullest cooperation between the governmental agencies and private industry and finance. Our common aim is the return of our foreign commerce and investments to private channels as soon as possible.

The committee which I have appointed is as follows:

HERBERT H. PEASE, president, New Britain Machine Co., New Britain, Conn.

CHAMP CARRY, president, Pullman-Standard Car Manufacturing Corp., Chicago, Ill.

WALTER J. CUMMINGS, chairman, Continental-Illinois National Bank and Trust Co., Chicago, Ill.

L. M. GIANNINI, president, Bank of America, San Francisco, Calif.

PAUL G. HOFFMAN, president, Studebaker Corp., South Bend, Ind.

EDWARD HOPKINSON, Jr., partner, Drexel and Company, Philadelphia, Pa.

FOWLER McCORMICK, chairman, International Harvester Co., Chicago, Ill.

IRVING S. OLDS, chairman, U. S. Steel Corp., New York, N.Y.

GORDON S. RENTSCHLER, chairman, National City Bank of New York, New York, N.Y.

A. W. ROBERTSON, chairman, Westinghouse Electric Corp., Pittsburgh, Pa.

WINTHROP W. ALDRICH, chairman, The Chase National Bank of the City of New York, New York, N.Y.

TOM K. SMITH, president, The Boatmen's National Bank of St. Louis, St. Louis, Mo.

Resumption of Surplus-Property Deliveries to Poland

[Released to the press June 26]

On April 24, 1946 notes were exchanged between the Polish Ambassador and the Acting Secretary of State regarding the conclusion of negotiations for the extension of an Export-Import Bank credit to Poland of \$40,000,000 and for an additional credit of up to \$50,000,000 for the purchase by Poland of United States surplus property held abroad.¹ When these notes were exchanged, the Polish Provisional Government undertook certain obligations.

Subsequently, on May 10, 1946, the Acting Secretary of State announced the suspension of deliveries of surplus property to Poland under the \$50,000,000 credit by reason of the fact that the Polish Provisional Government, in the view of this Government, had failed fully to carry out the obligations undertaken at the time the credits were authorized. Specifically, (1) the texts of the notes exchanged had not been published in Poland, (2) it appeared that American press dispatches from Poland were being subjected to censorship, and (3) the texts of Poland's economic agreements with other countries had not been made available to this Government as promised.²

The Polish Provisional Government has recently published the exchange of notes concerning the credits and the question of censorship has been satisfactorily clarified. Assurances have now been given to the American Ambassador at Warsaw indicating that the texts of Poland's economic agreements will be furnished to this Government.

In view of these assurances and in consideration of the important role which these surplus materials are to play in assisting the Polish people to rebuild their devastated country, this Government has acceded to the request of the Polish Provisional Government and has authorized the resumption of surplus property deliveries to Poland.

¹ BULLETIN of May 5, 1946, p. 761.

² Oral announcement at Acting Secretary Acheson's press and radio news conference of May 10. Not printed.

U.S. Objectives and Policies in Affording Aid to China

[Released to the press June 28]

Recent press reports from China indicate a misunderstanding or misconstruction by various Chinese elements of our objectives and policies in affording assistance to China.

The various moves taken by this Government to aid China are but steps in the complete implementation of a long-agreed program for helping the Chinese nation as a whole to rid itself of the effects of a long and devastating war against Japan. They cannot rightfully be interpreted as current support of any factional military group in China. They will not fully materialize for many months. Their purpose is to cement rather than to destroy unity; to encourage the Chinese to find a solution of their internal problems by the democratic process of peaceful agreement rather than by resort to military force.

In the foregoing connection it is pertinent to quote from the President's public statement on policy towards China of December 15, 1945. He said: "As China moves toward peace and unity . . . the United States would be prepared to assist the National Government in every reasonable way to rehabilitate the country, improve the agrarian and industrial economy, and establish a military organization capable of discharging China's national and international responsibilities for the maintenance of peace and order."

There is now in Congress a bill authorizing advice and assistance to the Chinese Government in the creation of a modern, moderately sized Chinese army. One of the principal objectives of this legislation is to provide practical assistance to the Chinese in implementing the agreement reached in Chungking on February 25 this year for the reorganization and unification of the armed forces of China. This agreement provides for a single, non-political, national army made up of troops drawn from the presently existing Communist and Central Government armies. In testifying before the Foreign Affairs Committee of the House in regard to this legislation, the Acting Secretary of State indicated that there was a di-

rect relation between the successful implementation of the plan for the reduction and unification of Chinese military forces and steps that might be taken under the authority provided in the bill before Congress to give military aid and assistance to the Chinese Army.

Many of the contemplated measures for aid to China involve a time-consuming procedure of negotiation, agreements, legislative action, and, lastly, decisions by the President in the light of the situation existing at the time implementation is to be undertaken. These various steps consume many months, more than a year in the case of the legislation now in the Congress for military advice and assistance to China, and, if interrupted in any particular stage, could not be readily resumed without running the risk of encountering considerable difficulty.

Publicity has recently been given to a pipeline lend-lease agreement with China for approximately \$58,000,000. This agreement simply formalized an understanding reached shortly after V-J Day that China would purchase those lend-lease supplies which were being processed or were en route to China. Measures to provide economic aid to China in the form of supplies and credits are an impartial American effort to contribute toward a solution of the acute economic crisis in China and to forestall a financial and economic break-down. Too much stress cannot be laid on the hope of this Government that our economic assistance be carried out in China through the medium of a government fully and fairly representative of all important Chinese political elements, including the Chinese Communists. This Government has felt that some measures of economic assistance could not be held in abeyance pending agreement among the Chinese political parties to come together in a unified government. Failure to afford such minimum economic assistance would needlessly invite danger of an economic collapse which would bring great tragedy to the common people of China.

Position on Admission of Correspondents to Areas Receiving UNRRA Aid

LETTER FROM ASSISTANT SECRETARY OF STATE CLAYTON TO SENATOR KENNETH McKELLAR

[Released to the press July 3]

July 3, 1946.

MY DEAR SENATOR McKELLAR:

Since the fundamental objective of our foreign policy is to create conditions in the world under which we can live in friendship and peace with all nations, I am gravely concerned about the action recently taken in the House of Representatives in adopting the so-called Dirksen Amendment to the Third Deficiency Appropriation Bill.

This Amendment, as you know, would deny use of the U.S. contribution to UNRRA for aid to any country which refused to agree not to censor the reports of American press representatives concerning the distribution and use of UNRRA supplies. As the record of the debate in the House of Representatives will show, this Amendment was directed at the Soviet Union. This action was taken in consequence of a reply received from the Soviet Government, in answer to a request by the President that that Government undertake to permit reporting, with respect to UNRRA operations, free of the censorship rules which have been established in Soviet territories. The President made his request pursuant to the direction of Congress as expressed in Public Laws 259 and 262, 79th Congress.

I should like to take this opportunity to give you my views on this matter. At the outset let me say that I believe no one is more firmly convinced than the Secretary and I that the free interchange of information between the peoples and countries of the world is essential to the creation of a secure peace. We in the Department of State are constantly seeking to achieve this objective. My concern about the Dirksen Amendment therefore is not because I do not seek the freedom of information which I feel certain the House had in mind when it approved this Amendment, but because I feel that its passage would achieve precisely the opposite result.

The facts are these: While Russia, in its reply to the President's request, has not agreed to remove established general rules of censorship with re-

spect to despatches from our correspondents on the use of UNRRA supplies, we have abundant evidence that no attempt has in fact been made to restrain the free flow of information regarding the distribution of UNRRA supplies.

Recently a group of correspondents, including representatives of the *New York Times*, *Newsweek* and the Associated Press have made an extensive tour of the Ukraine and White Russia—the Soviet Republics in which UNRRA is furnishing relief—and have been permitted to report freely and fully on the use which is being made of UNRRA supplies. In addition, UNRRA itself has missions in each of these two areas, both headed by Americans of unquestioned courage, integrity and high standing, and these missions have had complete freedom to travel about the country, to observe anything they wished to see and to report without interference of any sort. Both the UNRRA missions and our news correspondents report that these areas of Russia have suffered destruction greater than we had imagined, that the conditions are pitiful and the need most urgent, and finally that UNRRA supplies are being distributed with scrupulous attention to the principles which guide UNRRA's operations in all areas. In addition, there are reliable reports that the common people of these areas are not only fully aware that the supplies are coming from UNRRA, but are inclined to give the whole credit for UNRRA's activities to the United States. As a result, the good will being created for our country by the UNRRA programs is so great as to astonish the Americans who are there with the UNRRA missions.

One of the reasons why we are so concerned to promote the free interchange of information between countries is that only by such a process will the common people of all countries come to know and appreciate the achievements and points of view of each other. I believe from all I can discover that the UNRRA program in the two Soviet Republics is serving most effectively to promote the accomplishment of these objectives.

I am convinced that the adoption of the Dirksen Amendment would set us back immeasurably in this respect. I think I can indicate why I feel

this way by examining the effect its adoption would have upon the Russian people. Undoubtedly, the Soviet Government and the people who are in such dire need and who are now receiving some relief through the UNRRA program would say, and I fear, with considerable justification, "We are scrupulously living up to the UNRRA principles of distribution; there has never been any attempt here to cover up what is being done with these supplies which are being sent in; there has, in fact, been complete freedom to American press representatives and to the Americans on the UNRRA missions to report anything they wish to report. What, then, is the reason the relief has stopped? Even if we should agree under pressure that we will never apply our rules of censorship to reports about UNRRA, it would not change the situation at all because we have never applied that censorship and we don't intend to. However, we are not going to have anyone dictate to us. We would rather suffer without help than bow to a threat of this kind."

I am sure you will agree with me that any proud people would react this way. As a result, we shall, if we insist on this point, merely give those who may be working against friendship and free interchange of information, a real basis for making the charge that we are using relief for political purposes and that we are making threats to achieve our objectives. We may very well, by such action, wipe out the gains we have already made toward this friendship and interchange of information through the activities of UNRRA in these areas.

This whole issue, of course, has a far wider significance than its effect on the UNRRA program. I feel sure that adoption of the Amendment would seriously complicate all our relations with the Soviet Union and would, without achieving any tangible benefit for us, make far more difficult negotiations on many other issues.

I should like to assure you that if there were not in fact freedom of observation for the UNRRA missions and for our correspondents to report on the use of UNRRA supplies in these two Soviet Republics, I should strongly advocate that the furnishing of supplies cease. In such a case there would be a real matter of principle involved, for we and other contributing nations to have the right to full information concerning the use of UNRRA supplies. Director General LaGuardia feels just as strongly on this point as we do.

I would like to point out further, that all of the members of UNRRA, in approving the UNRRA agreement, subscribed to the policies and regulations governing its operations which had been set up by mutual agreement. If each of the contributing members should now by its own unilateral action attempt to establish new and special conditions, the operation of UNRRA would become impossible. There is no question but that the UNRRA Council and the UNRRA Administration have taken steps to assure adequate observation and complete reporting without censorship by UNRRA missions and by press representatives with respect to all matters of concern to UNRRA in the two Soviet Republics.

There is one other point which seems to me of great significance. One of our important concerns today is to demonstrate that international organizations can succeed in dealing with matters which affect the interests of all nations. This is not an easy task, as recent experience clearly proves, and we have made less progress at it than we had hoped for. Every success we do have, however, by showing that success can be achieved, tends to develop confidence in international organizations generally, and thus promotes success in other cases. Conversely every failure has the opposite effect. With all the difficulties which have beset UNRRA and with all the differences of opinion that have developed from time to time, nevertheless it cannot be denied that it is one of the international organizations that has succeeded, on the whole, in accomplishing the objectives for which it was designed. It has effectively brought relief to millions of people in the war-devastated areas, it has produced vast good will for this country and for the other contributing countries, it has increased contacts between citizens of all nations and promoted knowledge and understanding of each other among peoples throughout the world. It has demonstrated the fact that men of many different nations can work together successfully to solve a world-wide problem. It would be a tragic thing, in this critical period in international affairs, with UNRRA so close to the end of its period of operations, to destroy in large part the effect which UNRRA has had in promoting confidence and understanding between nations and to turn its success as an operating international organization into failure during the last months of its existence. I should very much regret to see

such an outcome of an international effort which, otherwise, has such bright prospects of confounding those who doubt that any attempt at cooperation by nations in a common cause is possible.

I apologize for having burdened you with such a long discussion of this subject, but it is, in my opinion, of such vital importance in the whole field of our foreign relations that I must put before you fully the considerations which I believe would make the adoption of the Dirksen Amendment a very grave mistake.

Sincerely yours,

W. L. CLAYTON

Assistant Secretary

[EDITOR'S NOTE: This letter is made public as the BULLETIN goes to press.]

EXCHANGE OF NOTES BETWEEN ACTING SECRETARY ACHESON AND THE SOVIET CHARGÉ D'AFFAIRES

[Released to the press June 25]

Acting Secretary of State Acheson made public on June 25 the text of the note dated January 8, 1946 which he addressed to the Soviet Chargé d'Affaires ad interim with respect to the admission into areas receiving UNRRA aid of properly accredited members of the American press and radio. The text follows:

The Acting Secretary of State presents his compliments to the Chargé d'Affaires ad interim of the Union of Soviet Socialist Republics and informs him of the decision of the Congress of the United States in voting the American contribution to the United Nations Relief and Rehabilitation Administration whereby the Congress requests the President to facilitate, through the appropriate channels, the admission into areas receiving UNRRA aid of properly accredited members of the American press and radio in order that they may be permitted to report without censorship on the utilization and distribution of UNRRA supplies and services.

It would accordingly be appreciated if the competent Soviet authorities, in the interest of better understanding between the peoples of the Union of Soviet Socialist Republics and the United States, would extend all necessary facilities to enable properly accredited representatives of the

American press and radio to exercise their functions fully and freely in accordance with the expressed desire of the Congress of the United States.

Since it is proposed to advise the Congress of the United States of the response to this request, it would also be appreciated if the Soviet Government would be so kind as to inform this Government of any steps which may be taken in this connection.

DEPARTMENT OF STATE,

Washington, January 8, 1946.

Following is a translation of the reply received by the Secretary of State from the Chargé d'Affaires of the Union of Soviet Socialist Republics:

The Chargé d'Affaires of the Union of Soviet Socialist Republics presents his compliments to the Secretary of State and with reference to the note of the Acting Secretary of State of January 8, 1946, has the honor to communicate the following:

Inasmuch as special commissions of the United Nations Relief and Rehabilitation Administration will be sent to the Ukrainian S.S.R. and Byelorussian S.S.R., American official circles and the public will have the possibility of receiving information of interest to them concerning the utilization and distribution of the supplies and services of the United Nations Relief and Rehabilitation Administration through these commissions.

With reference to the request of the State Department for granting representatives of the American press and radio the possibility for full and free execution of their functions in accordance with the desire expressed by the Congress of the United States, representatives of the American press and radio on the territories of the Ukrainian S.S.R. and the Byelorussian S.S.R. should be guided by the rules in effect on all the territory of the Union of Soviet Socialist Republics and for that reason the establishment of any special rules regulating the activities of representatives of the American press and radio on the territories of the Ukrainian S.S.R. and the Byelorussian S.S.R. is not contemplated.

EMBASSY OF THE UNION OF

SOVIET SOCIALIST REPUBLICS

WASHINGTON, March 12, 1946

LETTER FROM THE PRESIDENT TO THE PRESIDENT OF THE SENATE¹

THE WHITE HOUSE,
Washington, June 21, 1946.

TO THE PRESIDENT OF THE SENATE:

In accordance with the recommendation in paragraph B of Public Law 262, 79th Congress, I have, through appropriate channels, taken steps to advise countries receiving UNRRA assistance of the desire of the United States Government that the admission to those countries of properly accredited members of the American press and radio be facilitated in order that they might be permitted to report without censorship on the utilization and distribution of UNRRA supplies and services.

I am advised that satisfactory arrangements are in effect to permit American press and radio representatives to report without censorship on the UNRRA programs in all UNRRA receiving countries except the Union of Soviet Socialist Republics. There is attached a translation of a communication dated March 12, 1946, to the Secretary of State from the Chargé d'Affaires² of the U.S.S.R. with reference to the situation in that country, which in effect states that the censorship rules in force for all correspondents in the Soviet Union will be applied to correspondents desiring to report on the utilization and distribution of UNRRA supplies.

I am also advised that accredited representatives of UNRRA have been given necessary facilities for observing and reporting on the distribution of

¹ An identical letter was addressed to the Speaker of the House.

² Printed above.

Treaty Obligations and Philippine Independence

REPLY OF NORWEGIAN GOVERNMENT TO U.S. NOTE¹

NORWEGIAN EMBASSY,
Washington, D. C.,
July 8, 1946.

EXCELLENCY:

I have the honor to refer to your note of May 4th, 1946 in which you proposed that the most-favored-nations provisions of the Treaty of Friendship, Commerce and Consular Rights between Norway and the United States of America signed June 5th, 1928, shall not be understood to require the extension to Norway of advantages

¹ U.S. note is similar to note sent to Bolivian Government as printed in BULLETIN of June 16, 1946, p. 1049.

UNRRA supplies in all receiving countries including Ukrainian and Byelo-Russian Soviet Socialist Republics and have submitted extensive and detailed reports.

HARRY S. TRUMAN

At Acting Secretary of State Acheson's press and radio news conference on June 25 a correspondent asked for information concerning the American note requesting complete freedom from news censorship in countries receiving UNRRA aid. Mr. Acheson referred to the letter from President Truman to the Congress, dated June 21, which was in accordance with provisions of an Act which appropriated funds for UNRRA and which required the President to work out with countries receiving UNRRA aid complete freedom from censorship. Mr. Acheson pointed out that the President had reported that such arrangements had been made with all countries except the Soviet Union. The Soviet reply to the American note, Mr. Acheson explained, had said that the same provision will apply on filing of news within the two Soviet republics receiving UNRRA aid—Byelorussia and the Ukraine—as applies elsewhere in the Soviet Union.

Mr. Acheson said that so far as is known, no reports have yet been censored, but that the Soviet Government has not stated that it will not in the future take some action.

Mr. Acheson said also that a group of newspapermen which included Americans—Mr. Middleton of the New York Times, Mr. James of the Associated Press, and Mr. Fowle of Newsweek magazine—had made tours of the Ukraine and Byelorussia and were about to make another.

accorded by the United States to the Philippines during a transitional period following the proclamation of Philippine independence.

I am happy to reply that in appreciation of the need for such concessions and as an act of friendship toward the Republic of the Philippines my Government has instructed me to accept your Excellency's proposal.

Please accept [etc.] W. MORGENSTIERNE

His Excellency DEAN ACHESON,
Acting Secretary of State,
Washington 25, D.C.

Inquiry on Palestine Situation

[Released to the press June 29]

In response to inquiries whether this Government had advance information regarding the raid on the Jewish Agency Headquarters in Palestine, the Department of State stated on June 29 that it received no information until after the raid apparently had taken place.

The British Embassy in Washington on June 29 informed the Department that it was proposed to raid the Jewish Agency in Palestine early that morning.

The Department is not in possession of sufficient information to enable it to make any comment with regard to this matter.

Procedure for Furnishing Affidavits for Immigration Visas

[Released to the press June 25]

The Department of State is informed by the American Consulate General in Munich, Germany, that it has received many affidavits of support for use by individuals applying for immigration visas. Addresses given of the persons for whom the affidavits are intended are usually either insufficient or inaccurate. As a result of this situation, less than 10 percent of these affidavits can be delivered to the persons for whom they are intended.

Affidavits should be forwarded in support of applications of only those persons who are eligible for visas under the present immigration program; that is, either displaced persons who are sponsored by persons in the United States, or wives, husbands, minor children, mothers, and fathers of citizens of the United States.

The Department suggests that, since mails are open, affidavits in each case should be forwarded directly to the person at interest for his use in filing an application for an immigration visa. No useful purpose will be served in forwarding the affidavits, either to the individuals or to the Consulate General, unless the local addresses of the persons at interest are known. The Consulate General has

no way of determining such addresses, and in most cases the United Nations Relief and Rehabilitation Administration does not have sufficient data in any central file to determine the whereabouts of such persons.

Appointment of Allan Nevins as Public Affairs Officer in London

The appointment of Allan Nevins as Public Affairs Officer in charge of information and cultural affairs at the American Embassy in London was announced on June 28 by William T. Stone, Director of the Office of International Information and Cultural Affairs. He will succeed Herbert S. Agar, former editor of the Louisville (Ky.) *Courier-Journal*, who had accepted the post on a temporary basis.

Twice winner of the Pulitzer Prize for biography, Dr. Nevins has been serving as professor of American history at Columbia University. He will go to London shortly but will return to this country to meet his teaching engagements at Columbia for the fall term before resuming his duties as Public Affairs Officer in England.

Assistant Secretary Russell To Inspect Foreign Service Installations

[Released to the press June 28]

Donald R. Russell, Assistant Secretary of State for Administration, left on Wednesday, June 26, for a long-deferred inspection trip of Foreign Service installations in Europe.

Accompanied by a Foreign Service inspector, he will visit a number of Foreign Service posts including Paris, Berlin, and Moscow. The purpose of his trip, which is coincident with the end of the fiscal year, is to check on administrative operations in the field.

Proposed Double-Taxation Convention With France

[Released to the press June 12]

As a result of *ad referendum* negotiations which took place in Washington during March and April,¹ a convention between the United States and France for the avoidance of double taxation and the prevention of fiscal evasion in the case of taxes on estates and inheritances and for the purpose of modifying and supplementing certain provisions of the convention relating to income taxation signed at Paris on July 25, 1939, has been drafted by representatives of the United States Government and representatives of the French Government.

The draft convention is being submitted by the representatives to their respective governments for consideration with a view to signature, if possible, in the near future.

The negotiations were conducted for the United States by Eldon P. King, Special Deputy Commissioner of Internal Revenue, and officers of the Departments of State and Treasury and of the Bureau of Internal Revenue; for France by Adeodat Boissard, Director General in the Ministry of Finance; Philip Perier, Director of Administrative Conventions; and Jean Deciry, of the Foreign Office; and Jacques Certeux and Marcel Serre, of the Ministry of Finance.

In the course of the exploratory conversations attention was given also to certain current questions concerning the interpretation and administration of French taxes in their application to American nationals. The position of the French Government, pending the signature and coming into force of the new convention, with respect thereto, and with respect to the application of certain provisions of the 1939 convention has been made the subject of record in correspondence between the French Ambassador in Washington and the Secretary of State.

The texts of the notes exchanged are as follows:

[Translation]

FRENCH EMBASSY TO THE UNITED STATES

Washington, May 6, 1946

DEAR MR. SECRETARY OF STATE:

At the request of the Government of the United States of America, conversations took place in Paris between the 10th and 18th of October, 1945, between an American dele-

gation and representatives of the Ministry of Foreign Affairs and the Ministry of Finance with a view to modifying and supplementing certain provisions of the Convention of July 25, 1939 relating to income taxation, and to laying the bases of a new Convention for the avoidance of double taxation in the field of estate and inheritance taxes and for the prevention of fiscal evasion.

During these conversations the question of determining the scope of application of the National Solidarity Tax to American nationals was also examined.

These questions have recently been the subject of new exchanges of views in Washington between a French delegation and an American delegation.

I am happy to find that, as Your Excellency knows, the two delegations have agreed on a draft of a new Convention for the avoidance of double taxation with respect to estate and inheritance taxes, for the purpose of modifying and supplementing certain provisions of the Convention of July 25, 1939, and for the prevention of fiscal evasion.

Pending signature and ratification of this Convention by our two governments, I have the honor to communicate at once to Your Excellency, with a view to immediate application, the agreement of the French Government on the following points.

(1) Article 7 of the Convention of July 25, 1939 provides that royalties paid in France to an American natural or juridical person are exempt from taxation in France, provided that the natural or juridical person does not have a permanent establishment in France.

It is understood that these provisions shall be applicable in the case of royalties paid to American producers of films for the exploitation in France of these films, provided that the income arising from the exploitation of the films in question cannot be considered as belonging to a permanent establishment in France of the American producer.

(2) According to Article 9 of the Convention of July 25, 1939, income from labor or personal services, with the exception of the income referred to in Article 8, is taxable only in the State where the taxpayer carries on his personal activity.

It is understood that Article 9 applies only when a taxpayer is in the position of being taxed by both contracting states.

This interpretation follows the principle established by Article VI of the Protocol annexed to the Convention of 1939 according to which the provisions of the Convention must not have the effect of increasing the tax burden of the taxpayer.

(3) The American delegation has called the attention of the French delegation to the case of American businessmen whom American companies by which they are employed send to France in order to carry on an activity paid for by these companies.

It has been taken into consideration that American businessmen who establish themselves in France receive because of this establishment a higher salary than they would have received if they had stayed in the United

¹ BULLETIN of Mar. 17, 1946, p. 451.

States. This higher salary is justified by increased cost (maintenance of their establishment in the United States, education of their children, etc.). Consequently it has been agreed that the Direction Generale des Contributions Directes will proceed in a liberal spirit at the request of the interested persons to examine each particular case in order to establish, if necessary before the establishment of the American companies in France, exactly what will be the situation of their personnel with regard to the Schedular Tax on salaries and wages (having regard in particular to the importance of the professional expenses the deduction of which might be authorized in the computation of the tax).

On the other hand, the members of the French delegation, on behalf of the French Fiscal Administration, have reserved the possibility of calling the attention of the competent American authorities to the case of French nationals who might feel that they are excessively taxed in the United States.

(4) The American delegation has asked that derogations from the French exchange regulations be permitted in favor of the American nationals referred to above who may not desire to transfer into France income obtained outside of France.

The French exchange regulations do in fact put foreign nationals domiciled in France under obligation to repatriate income received outside of French territory.

The American delegation has been advised that no decision of principle could be taken but that each particular case will be examined in as liberal a spirit as possible, taking into account the length of the sojourn in France of the interested persons.

(5) With respect to Article 14, Ba of the Convention of July 25, 1939, it has been agreed to increase to 25% the lump sum reduction of 12% to be imputed to the French income tax rate on income from securities, debts and trusts having its source in the United States of America, under conditions fixed by French law without the necessity of establishing the nationality of the beneficiary of the said income.

(6) The American delegation has called to the attention of the French delegation the case of an American wife, married to a Frenchman, who has kept her American citizenship. By virtue of the French law the income having its source in the United States which she receives is mixed with the income of her husband and taxed in the name of the latter. Although this income has been subjected to American taxation, the deduction which would otherwise be allowed by the provisions of Article 114 of the Code General Francals des Impots Directs is not applicable since only taxpayers of foreign nationality taxable in France are authorized to exclude income of foreign origin from their taxable income if they prove that it was subjected to a personal tax on global income in the country from which they originate.

It has been recognized that the solution of this difficulty can be found within the framework of Article 25 of the Convention of 1939 and that it will be the task of the Administration des Contributions Directes to take all measures which are useful for the prevention of the double taxation in question.

(7) The Franco-American Convention of April 27, 1932

provides that American corporations which have permanent establishments in France and are subject to the French Income Tax can elect to be taxed on only $\frac{3}{4}$ of the profits which they withdraw from these establishments. Similarly (Article VI) an American company has the option within six months after the Convention became effective to be exempted from income tax liability in respect of participation in the management or the capital of a French company on condition that the indirect advantages which it draws from this participation be merged with the profits distributed by the French company and become subject to the French tax on income from securities. This option, which had to be exercised jointly with the French company, was to be effective within a period of six months after the coming into force of the Convention or within six months after the acquisition of the participation in the French company.

Article 17 of the Convention of July 25, 1939 accorded the companies referred to above a new period of six months to exercise the option referred to by the provisions in question.

The American delegation has stated that in numerous cases this additional period could not be availed of because of war conditions.

Under these conditions it seemed to the French delegation both logical and equitable to grant the American companies a supplementary period which will run from the date of the present note to the date of the coming into force of the new Convention which will settle this matter.

(8) Article 4 of the Ordinance of August 15, 1945 provides that the National Solidarity Tax is applicable in the case of persons having either a domicile or habitual residence in France.

The American delegation expressed a desire to know the meaning of the words "habitual residence".

It is hereby confirmed that the words "habitual residence" will be interpreted by the French Fiscal Administration as being identical with domicile de facto.

(9) With regard to the application of the National Solidarity Tax established by the Ordinance of August 15, 1945 it is confirmed that:

(a) funds brought into France by American nationals after the liberation of French territory will be subject to the capital tax after deduction of the abatements allowed by the Ordinance without distinction as to whether the funds were brought by natural or juridical persons, an exception being made in the case of juridical persons exempt from the tax;

(b) such funds are subject to the tax on enrichment only when in the hands of natural persons, juridical persons being exempt. However, it is recognized that the application to such funds of the tax on enrichment would not be in harmony with the spirit of the Ordinance of August 15, 1945 and that there would be no occasion to apply it.

(10) American holdings blocked in France during the war cannot be exempted from the tax on capital established by the Ordinance of August 15, 1945. However, a distinction must be made between the tax on enrichment and the tax on capital.

The French delegation has agreed that if the blocking

in France of holdings of citizens of the United States not resident in France has been effectuated at the instigation of the French or German authorities, the French Administration will not take advantage of the measure which prevented the transfer of these holdings to the United States so as ultimately to attribute to them the character of an enrichment. Consequently these funds will be exempt from the tax on enrichment and will be subject only to the capital tax.

It is understood that, as indicated under number (9) above, juridical persons are not subject to the tax on enrichment.

11) With reference to the bonds of the French Republic payable in dollars, sometimes called the Morgan bonds, which are exempt from present and all future taxes, it is hereby confirmed that these bonds, and indeed all bonds having the same fiscal advantages, will be exempt from the National Solidarity Tax when held by nationals of the United States, including both natural and juridical persons, whether or not domiciled in France.

I have the honor to inform Your Excellency that my Government will consider this note, together with your note in reply thereto as confirming the understanding of our two Governments in relation to the application of the principles outlined above.

I take this occasion [etc.]

H. BONNET

May 31, 1946

EXCELLENCY:

I have the honor to acknowledge your note of May 6, 1946, in which you refer to conversations which have taken place in Paris and Washington between officials of the Government of the United States of America and officials of the French Government, and to the draft of a new convention for the avoidance of double taxation with respect to estate and inheritance taxes, for the purpose of modifying and supplementing certain provisions of the Convention of July 25, 1939 relating to income taxation, and for the prevention of fiscal evasion in respect of such taxation.

With a view to immediate application, you have been kind enough to communicate through me to my Government a confirmation of the position of the French Government with respect to the treatment to be accorded American nationals by the French Government in regard to certain matters, including the interpretation and application of certain provisions of the Convention of July 25, 1939, and the scope of application to American nationals of the French National Solidarity Tax established by the Ordinance of August 15, 1945.

On behalf of the Government of the United States of America, I have the honor to express appreciation for the confirmation, given in Your Excellency's note, with respect to the position of the French Government as outlined therein.

Accept [etc.]

DEAN ACHESON

His Excellency

HENRI BONNET,

Ambassador of the French Republic.

The Department

Appointment of Officers

Just Lunning as Chief, Division of Management Planning, effective June 25, 1946.

William T. Stone, Director of the Office of International Information and Cultural Affairs of the State Department, announced on June 26 the appointment of Fitzhugh Granger as Chief of OIC Area Division IV (the American Republics). Mr. Granger was formerly Public Affairs Officer in Argentina for the OIC.

William Schurz, who has been Acting Chief of the Division, will continue as Associate Chief.

The Foreign Service

Consular Offices

The American Consulate at Dairen, China, was opened to the public May 20, 1946.

The American Consulate General at Brazzaville, French Equatorial Africa, was closed to the public June 16, 1946.

The American Consulate at Tapachula, Mexico, was closed June 25, 1946.

Foreign Commerce Weekly

The following article of interest to readers of the BULLETIN appeared in the June 8 issue of the *Foreign Commerce Weekly*, a publication of the Department of Commerce, copies of which may be obtained from the Superintendent of Documents, Government Printing Office, for 10 cents each:

"Paper Business Today in France and Low Countries", based on reports from Winslow Lamont Gooch, Senior Economic Analyst, American Embassy, Paris.

The Congress

To Deny Admission to the United States of Certain Aliens and to Reduce Immigration Quotas: Hearings Before the Committee on Immigration and Naturalization, House of Representatives, Seventy-ninth Congress, second session, on H.R. 3663, a bill to amend the immigration and naturalization laws to deny admission to the United States of certain aliens who have served in the armed forces of countries at war with the United States, also members of certain parties and organizations, and to deny naturalization to such persons, and to reduce immigration quotas. Part 2, March 20, 27, May 8, 1946. iii, 68 pp. [Department of State, pp. 103-125.]

Administration of Alien Property: Hearings Before Subcommittee No. 1 of the Committee on the Judiciary, House of Representatives, Seventy-ninth Congress, second session, on H.R. 5089, a bill to amend the first War Powers Act, 1941. February 7, May 16, 21, and 23, 1946. Serial No. 20. iii, 159 pp. [Department of State, pp. 28-30, 97-99.]

To Amend the Surplus Property Act: Hearings Before the Committee on Expenditures in the Executive Depart-

ments, House of Representatives, Seventy-ninth Congress, second session, on H.R. 5329, H.R. 5517, H.R. 4432, and Others relating to the disposition of Surplus Property. February 14, 15, 19, 20, 21, 27, March 1, 5, 6, 7, 8, 12, and 13, 1946. iii, 533 pp. [Department of State, p. 363.]

Extension of Second War Powers Act, 1942, as Amended (Re: Transportation, Rationing, Priorities, etc.): Hearing Before a Subcommittee of the Committee on the Judiciary, United States Senate, Seventy-ninth Congress, second session, on H.R. 5716, an act to amend the Second War Powers Act, 1942, as Amended. May 31, 1946. iii, 52 pp.

Departments of State, Justice, Commerce, and the Judiciary Appropriation Bill for 1947: Hearings Before the Subcommittee of the Committee on Appropriations, United States Senate, Seventy-ninth Congress, second session, on H.R. 6056, a bill making appropriations for the Departments of State, Justice, Commerce, and the Judiciary for the fiscal year ending June 30, 1947, and for other purposes. Part 2: State Department—Informational and Cultural Program, World Wide Broadcasting Foundation. ii, 23 pp. [Indexed.]

Training Announcements

Foreign Service Officer Training

"Economic Objectives of American Foreign Policy": Fisher Howe, Special Assistant to the Assistant Secretary of State for economic affairs, will outline the economic objectives of American foreign policy at 9 a.m., Thursday, July 18, in Room 474, main State Department building, as a part of the Foreign Service Orientation Series.

Training Course in Budget Preparation

Through the cooperation of the Office of Budget and Finance, the Office of Departmental Administration, the Division of Management Planning, the Division of Training Services, and the Bureau of the Budget, a training course in budget preparation was conducted Monday through Friday, June 24-28, in the main State Department building.

The first meeting, a one-hour session on Monday

for all offices and divisions, provided a general introduction to the budget process by the Assistant Director of OBF.

On Tuesday a representative of the Bureau of the Budget presented a two-hour exposition on budget preparation, examination, and presentation from the point of view of the Bureau of the Budget. The sessions on Wednesday, Thursday, and Friday consisted of five sessions of one hour each, on each day, in which examiners of the Bureau of the Budget discussed with appropriately grouped offices the specific problems of budget justification as represented by excerpts from the 1947 budget.

The emphasis throughout the course was upon programming as the basis of budget preparation and upon the necessity for clear indication of quantitative factors in budget justifications. Budget preparation was treated as an important, but only one, aspect of administrative management.